THE Nation

April 17, 1954
20¢

THE JUDAS BILLS

The Wire-Tapping and "Immunity" Proposals

By LAURENT B. FRANTZ

EVERY WEEK SINCE 1865

And Now Bonn to Bagdad — *Carolus*

Disarmament Standstill — *Carey McWilliams*

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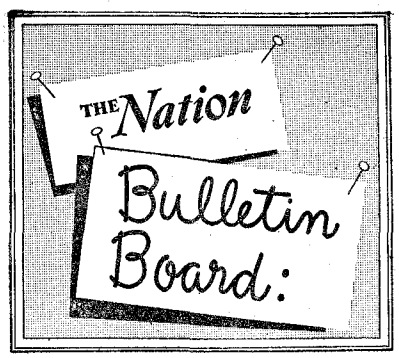

MUCH OF next week's issue will be devoted to the increasingly grave situation in Indo-China. (See Mr. del Vayo's page in this issue.) Edgar Snow writes about developments in Washington and the impact upon the pending Geneva conference; Alexander Werth, our Paris correspondent, deals with the reactions in France; William B. Dunn, former State Department officer who has spent much time in the area, handles the picture in Indo-China itself. This is the kind of coverage in depth *The Nation* frequently provides—which takes you behind the hue and cry of newspaper headlines and gives you the basic facts.

WALDO FRANK'S recent article on Puerto Rico and Psychosis has drawn much favorable comment, including this from Kay Boyle to the author: "I have read your article more than once, and each time I find new strength or deeper intuition in it. It is a piece I shall send to friends in Europe to relieve their despair concerning us. As long as American writers are writing like this, we have nothing to fear."

DRAMA CRITIC Harold Clurman (see back cover), well known for his work as a director of serious plays, will enjoy a change of pace next season. He has been signed by Rodgers and Hammerstein to direct "Pipe Dream," their musical adaptation of John Steinbeck's forthcoming novel "Sweet Thursday." It is Clurman's first musical and he asked Hammerstein for some words of wisdom. Hammerstein told him the only thing he had to think about was to "make sure the singers face front."

THE DIRECTOR of the Southern Conference Educational Fund, James A. Dombrowski, writes that he is grateful for *The Nation's* recent "admirable account of the hearings in which a Jenner committee 'task force' sought to destroy S. C. E. F." The organization "has not knuckled down before these new-style Ku-Klux tactics. It has lost no friends and it has won new ones." Dombrowski adds that he "would like to send representative literature to those *Nation* readers who had not learned before of our work to combat racial segregation and discrimination in the South." You can write Mr. Dombrowski at the S. C. E. F., 822 Perdido Street, New Orleans 12, Louisiana.

SOME ten years ago, a young *Nation* reader in Ohio wrote to B. H. Haggin: "I think it only right that one who has been of such great assistance to me as you have deserves some expression of my gratitude. My record library is little more than a year old, and because of your advice the poor albums are very few. . . ." Just recently the same young man wrote: "If I had to make a list of the best teachers I have had, your name would be high on the list, for the course of instruction I have had from reading your articles has produced some of the richest rewards I have known."

I had a look at Mr. Haggin's office mail recently and it was crammed with letters from readers who follow his recommendations with scrupulous care. You can't go wrong if you do.

LAURENT B. FRANTZ is one of the best-selling authors in the *Nation* reprint field. He was co-author of Does Silence Mean Guilt? which has passed the 50,000 mark; author of H-Bomb for American Labor, which is nearing the 20,000 mark; and author of Tooling Up for Mass Repression, which is over the 17,000 mark. The expected demand for his current article may give us still another Frantz best-seller.

MARTIN SOLOW

Letters

Trust the Conservatives

Dear Sirs: I was very interested in Mr. Ball's article on Japan in your issue of March 27, and the editorial on our M. S. A. pact with Japan. Having recently returned from a fourteen-month research period in Japan studying these very problems by opinion methods a bit more reliable than Mr. Ball's interviews, I merely wish to point out that the majority of Japanese voters (in urban Osaka and rural Shimane) *do* approve rearmament and *do* support revisionist trends in the government's labor policies.

Mr. Ball says that Japan's conservatives are returning the nation to dangerous prewar paths, while the "non-Communist left" offers the only hope for Japanese democracy. Neither of these statements would be approved by an impartial observer. . . . The post-war reformers awaken slowly to the damage of our "reforms," but the illusion persists that some kind of native leftist force in Asia is preferable to the established governments of Asian countries. Whatever the faults of Japanese conservative leadership, it is with it that our trust and sympathies must reside for the development of a stable, friendly Japan.

DOUGLAS H. MENDEL, JR.

Ann Arbor, Mich.

The Basic Factors

Dear Sirs: Only recently have I become an avid reader of *The Nation.* I wish that I had come in contact earlier with this magazine.

I found in two articles of your March 27 issue the unrecognized keynote of our anti-Communist campaign. In Lee Randy's The Score at Caracas it is stated that in Latin America a raising of the standard of living and proposals for a political system guaranteeing the basic liberties and rights of the individual would be the most effective means of promoting resistance to all totalitarian aggression. In McCarthyism: A Psychiatric Diagnosis by R. C. Murphy, Jr., Stringfellow Barr is quoted as writing that our chief problem is not communism but the fact that most of the inhabitants of our world are starving, diseased, and illiterate and that we are doing almost nothing about it.

The basic factors involved in this ideological race are thus the primary needs of human beings on earth: food, shelter, clothing, and just as pertinent, practical help. It is impossible for us to provide these basic needs so long as our energies are devoted to the fantastic and bizarre armaments race. When our shin-kicking, Communist-exploiting politicians end their partisan gun battles, when we realize that half the world's population is not as comfortable as we Americans, and when we give the moral and humane leadership that the world is hungering for, perhaps we shall get around to realizing that the way to the head is through the stomach and the way to influence people is to win friends.

New York ALI BUIST

One Consonant Away

Dear Sirs: I wish to call your attention to an error in an article by Paul Breslow entitled Students for America in your March 20 issue, in which reference is made to one Robert Anderson, a Divinity School student at the University of Chi-

[*Continued on page 344*]

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THE Nation
EVERY WEEK SINCE 1865

EDITORIALS

The Shape of Things

The Courageous Ten

A wire-tap measure—the first of the two "Judas bills" discussed by Laurent B. Frantz on page 322 of this issue—was passed last week, 378 votes to 10, by the House. But the victory for what Mr. Frantz calls Attorney General Brownell's "must legislation" was not so great as it appeared. The Attorney General sought a bill which would have given him, and him alone, the right to determine when wire-tapping might be applied. By a vote of 221 to 166—the vote largely followed party lines—the House elected instead to turn the right over to the federal courts. That is some solace, but not much, as was recognized by the ten Representatives who wanted no part of the measure in any form. We herewith set down for the record the names of the courageous ten defenders of privacy and individual liberty: Arthur G. Klein, Adam C. Powell, Jr., Eugene J. Keogh, and Abraham J. Multer, all of New York City; Robert L. Condon, California; Augustine B. Kelley, Pennsylvania; Albert Thomas, Texas; Roy W. Wier, Minnesota; Thomas B. Curtis, Missouri, and Frazier Reams, Ohio. All are Democrats except Mr. Curtis, a Republican, and Mr. Reams, who is an Independent.

The bill can still be defeated in the Senate. *Nation* readers who share the view of the ten Representatives that there are better ways of protecting national security than by making every telephone line a potential F.B.I. line, should write to their Senators and to the Hon. William Langer, chairman of the Senate Judiciary Committee. The "immunity" bill, which Mr. Frantz describes as in effect scuttling the Fifth Amendment, is now in House committee. On this measure *Nation* readers should make their opinions known to their Representatives and to the Hon. Chauncey W. Reed, chairman of the House Judiciary Committee.

Collective Action for What?

Does the United States believe in "collective action" in the international field? The answer is "yes" on Indo-China; "no" on the H-bomb. The contradiction does not leave us in a strong moral position. Nor do those Senatorial firebrands help much who want to use foreign aid as a weapon to impose American policy on our allies. Blackmail is quite often a two-edged sword; who can blame the Bevanite *Tribune* for retorting in kind? Unless the United States agrees to a joint policy on the H-bomb, suggests the *Tribune,* let's throw the American air force out of British bases.

In the meantime British debate on the bomb goes on. Plagued by questions from the Laborite benches, Prime Minister Churchill at first sought a scapegoat in the person of his predecessor, Clement Attlee, who earlier had gone out of his way to spare the old warrior. But Sir Winston showed recklessness instead of gratitude; again and again he blamed Labor for having "abandoned" the advantages for Britain inherent in the atomic-weapon agreement concluded between himself and President Roosevelt in 1943. In the end he found that he not only had failed to convince his opposition but was also losing his own supporters. He has not had such a bad press in fifteen years. Even the *Times* thundered against him.

But Sir Winston is a very obstinate man and later in the week came back to charge that if the 1943 agreement had remained in force it would have applied also to the H-bomb, and all the present furor would have been unnecessary. Unfair as he may have been on the precise point of dispute with Attlee, one thing must be said for the Prime Minister. Who can deny that when Labor was in power it showed no more inclination—and possibly less—to resist Washington pressures than the Tories are showing today?

The People Lead

In the current issue of *Capitol Chats,* a newsletter mailed to constituents and friends, Congressman John A. Blatnik of Minnesota's Eighth District, discusses the problem of leadership. "There is no leadership in Washington today," he writes, "either in the Administration or in the Congress. You can't lead if you don't have followers—the two are inseparable. . . . It is Republicans that attack Republicans such as Chief Justice Warren, Secretary of State Dulles, Secretary of the Army Stevens, Secretary of Agriculture Benson, and others. McCarthyism, which threatened to be the big issue in the coming

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campaign, is already the issue in this Congress. 'Jumping Joe's' investigating committee ends up by investigating itself. . . . There can't be leadership when Republicans in the Senate spent five out of the past twelve weeks debating the Bricker Amendment which would hamstring the leadership. Only with Democratic help was the leadership saved. Small wonder, then, that even a conservative Republican magazine, such as *Business Week*, publicly shook its head and wrote editorially: 'Under these circumstances, it is only natural for people to ask themselves whether Republicans are equal to the responsibilities of power.' "

Mr. Blatnik is right: leadership is a function of popular demand. If the people don't demand forward-looking leadership, they are not likely to move forward. Today it is only the extreme right-wing elements, a minority everywhere, who are well-organized, well-financed, clear about their objectives, and determined to win them. And they may prevail, too, unless the rest of the people wake up to the fact that they must show leadership themselves if they expect leadership in Washington.

The Juin Affair

Our Paris correspondent writes: Officially Marshal Juin, the head of the French army and France's only living Marshal, was sacked for insubordination, but of course the real reason was his opposition to E. D. C. The odd thing is that many of the anti-E. D. C. people with whom he has now thrown in his lot have looked with the gravest distrust on his past political behavior. He is an adventurer and an opportunist with a long record as a Vichyite and a remarkably anti-liberal record on colonialism. Last year he encouraged, with the approval of Bidault and Martinaud Déplat, the Minister of the Interior, the *coup de force* against the Sultan. It may safely be said that in all these rather astonishing political demonstrations, he was expressing views widely current among the rightist parties in France and was supported by a large section of the French officer corps. His outburst against E. D. C. certainly represents the opinion of much of the French army, which, naturally enough, looks with the greatest misgivings at the prospect of being swamped by Germans in the European army.

Many of the anti-E. D. C. people will no doubt continue to regard Juin with some distrust. It is realized, all the same, that the anti-E. D. C. camp is likely to be greatly strengthened by what may be considered a clarion call from the highest representative of the French army. Whatever his ultimate aim, he knows that he can rely on considerable open support from the Gaullists, the Vichyites, and some other sections of the right and on tacit support from everybody else who disapproves of E. D. C. The Juin affair is important because it has brought the army itself into the battle over E. D. C.

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Disarmament Standstill . . *Carey McWilliams*

DAVID F. CAVERS, associate dean of the Harvard Law School, at the March 26 conference in New York of the Committee for World Development and World Disarmament, advanced a modest proposal that might, in more normal times, have received the attention it deserves. But most of our oracles were so preoccupied with the April 1 revelations about the H-bomb's measureless destructive force that Mr. Cavers's remarks went unnoticed. In essence what he proposes is a standstill agreement covering all types of armaments.

It is generally agreed that now is the time to resume disarmament discussions. But in what form? What have we to suggest? While the March 1 explosion may not have got "out of control" at Bikini, is it, as Walter Lippmann asks, under political control in Washington?

Obviously what is needed at the moment is "a low road," a first step, a minimal proposal of a kind likely to meet with relatively quick general concurrence. Elaborate and comprehensive schemes looking toward universal disarmament would have little chance of acceptance in the present atmosphere; for one thing, time is too short for their full consideration. Nor can the United Nations afford to run the risk of still another disarmament fiasco. World opinion has already been disappointed too often.

In considering the kind of modest proposal needed, Russian policy should be kept in mind. Until the Soviets broke the American monopoly of the bomb, their policy was simply to urge the United Nations to outlaw the use, possession, and manufacture of atomic weapons. In short, they proposed that we give up the weapon which we alone possessed while they—virtuously—proposed to give up a weapon they did not have. But now that they have the bomb, their position has shifted. Currently they propose that the use of atomic weapons be outlawed except in retaliation. There are obvious objections to this proposal—merely to outlaw atomic weapons might encourage aggression by conventional means—but it does have some merit, and it is certain to be attractive to many of our allies. What is needed, then, is an American proposal that might be acceptable in view of the new Soviet position. Standstill disarmament along the lines proposed by Dr. Cavers might do the trick.

The real danger, as Dr. Cavers sees it, lies not so much in the existing level of armaments as in the continuous struggle to gain superiority. Unless checked, the race can take on frenzied aspects, with the announcement, say, of unstoppable guided missiles, capable of transhemispheric flight, and carrying an atomic warhead. Just as the progression from the A-bomb to the H-bomb was clearly foreseeable, so the cobalt bomb, which can produce a radioactive cloud capable of annihilating all life over thousands of square miles, is already declared to be feasible. Hence it is more important, right now, to stop the armament race than it is to reduce existing arms.

A standstill agreement would simply provide that there should be no increase in armaments of any character for a stated period, allowing merely for the replacement of existing arms and military installations as needed. Its initiation would probably not require an arms census, always a difficult task to arrange, nor would it arouse the immediate hostility of those with vested interests in the current level of armaments. It would not change the military status quo. It would require, of course, some kind of international inspection, but on a quantitative basis only; there would be no need of large staffs or a meddlesome prying into every nook and cranny of a nation's industrial structure. Such an agreement could provide a chance to test the effectiveness of inspection, which is the key to all disarmament proposals.

WOULD such a proposal be acceptable to the Soviets? Dr. Cavers advances two reasons for thinking that it might be. The Soviets do not enjoy the economic strain of the present armament race any more than we do. More important, a standstill agreement would prevent German and Japanese rearmament. As Dr. Cavers points out, "The Soviet government may be confident that the United States would not start a world war. I doubt they would have the same confidence in a rearmed Germany, particularly if Germany's ties with us might lead it to count on our being drawn into the hostilities." Similarly it can be argued that we have pushed for the rearmament of Germany not because we want to restore that burdensome privilege to the Germans but because we have been fearful of the growing Russian might in Europe. If by checking the plans for German rearmament we could also freeze Russian arms at their present level while breaking the Iron Curtain with inspection, the net result would more than compensate for the abandonment of E. D. C., especially in view of the strain that German rearmament has been placing on our relations with France. And since E. D. C. is in jeopardy in any case, we might well be looking around for something to compensate for its possible loss.

The plan might be acceptable to us for additional reasons. For one thing, it is perfectly consistent with President Eisenhower's major foreign-policy proposals to date. In his April 16, 1953, speech he once again made disarmament a major goal of American policy. Nor should it be forgotten that the Senate adopted a resolution—sponsored by the same group, incidentally, that called the March 26 meeting in New York—reaffirming that it is part of our declared policy to seek enforceable

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limitation of armaments "in accordance with the principles set out in the President's address of April 16, 1953, to the end that a greater proportion of the world's productive capacity may be used for peaceful purposes and the well-being of mankind" (*The Nation,* August 8, 1953). In his United Nations speech of December 8, 1953, the President again reaffirmed our commitment to disarmament as a major objective and advanced "a new conception," since revealed to have been his personal contribution, for a "pooling" of fissionable materials in an international agency set up under U. N. auspices and dedicated to the peaceful pursuits of mankind.

The President did not say, of course, how his proposal might be implemented. In Dr. Cavers's view, it might be in one of three ways. One would be by contributions of nuclear fuels by the United States, Russia, and Great Britain to an international agency under U. N. auspices, which in turn would transfer portions of the stockpile to other countries for research and development. A more ambitious alternative would be for the international agency intrusted with the "fissionables" to set up its own staff, drawn from member nations, and launch a program of its own devising for research and development. A third plan might be considered either alone or in combination with the second proposal. This would be for the main producing powers to deposit nuclear fuels with an international agency for immediate use in national or international laboratories and reactors, with the main purpose of drawing off increasingly large amounts of fissionable materials from national stockpiles, thereby slowing down the tempo of the arms race.

BUT whatever form the proposal might take, it would have only symbolic relevance to the question of atomic weapons unless it were supplemented by some kind of standstill agreement. Standing by itself, the "pooling" suggestion has little meaning. Supplemented by a standstill agreement it might arouse the interest and support of both the producing and non-producing nations in the positive advantages of such an arrangement (the experience of JEEP—the Joint Establishment Experimental Pile set up by agreement between Norway and the Netherlands—indicates this to be so); stimulate a cross-fertilization of ideas and talents; and develop confidence, on the part of the major powers, in the feasibility of a system of inspection and control.

If a standstill agreement could be achieved now, advantage might be taken of the time gained to create a special high-level commission in this country to study and report on a bolder and more imaginative disarmament proposal; to develop the peace-time potential of atomic power to the point where its demonstrated potentialities would become a powerful magnet for a world opinion favoring disarmament and the fullest development of atomic power for non-military uses; and, finally, to enable all nations indirectly as well as directly concerned with atomic power to achieve some diminution of the cold war's tensions. Therefore, since we still enjoy a margin of superiority in the atomic-weapons race, we should use the offer of a standstill agreement to obtain from the Russians a commitment to sit down and negotiate solutions for the political problems of the cold war. It should not be forgotten that the U. N. Charter will be up for revision in 1955 and that an agreement of this kind might lay the foundation for a significant strengthening of the world organization.

It seems clear that a standstill agreement would win the support of the neutral powers and of most of the smaller powers. Even before Sir Pierson Dixon suggested new United Nations talks on disarmament, Nehru cabled a four-point plan to the U. N. which included an application of the standstill principle. At this writing the plan, under discussion in the U. N. Disarmament Commission, is likely to be sidetracked in a subcommittee.

It may seem odd to suggest that a standstill agreement is a first step toward peace, but in a world in regression, to stand still is to move forward. It may not open to us the grand highway of utopian disarmament schemes but it does represent that "prudent minimum of demanded concessions" which David R. Inglis has wisely reminded us should be the goal of all current suggestions (*Bulletin of the Atomic Scientists,* February, 1954). Time is of the essence. We have reached all too soon the state of affairs which Dr. J. Robert Oppenheimer anticipated last summer when he wrote that the time would soon arrive when each of the two great powers would be in a position to destroy the civilization of the other, though not without risking its own. "We may be," he said, "likened to two scorpions in a bottle." There are no iron curtains in a bottle. If we cannot agree on what should be done about atomic weapons, then let us at least agree to do nothing, that is, to stand still.

As Lewis Mumford—a major prophet on this issue since 1945—has pointed out in a recent letter to the New York *Times* (March 27, 1954):

> In the name of sanity let our Government now pause and seek the counsel of sane men: men who have not participated in the errors we have made and are not committed, out of pride, to defending them. Let us cease all further experiments with even more horrifying weapons of destruction, lest our own self-induced fears further upset our mental balance.
>
> Let us all, as responsible citizens, not the cowed subjects of an all-wise state, weigh the alternatives and canvass new lines of approach to the problems of power and peace.
>
> If as a nation we have become mad it is time for the world to take note of that madness. If we are still humane and sane, then it is time for the powerful voice of sanity to be heard once more in our land.

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On the Brink

BY J. ALVAREZ DEL VAYO

United Nations

SECRETARY DULLES, visiting London and Paris to elicit a joint Western warning, approaching an ultimatum, to Communist China vis-à-vis Indo-China, was given a cautious reception. Both capitals clearly thought it unwise for either side—West or East—to be forced into a position that would make any real negotiation at Geneva impossible. To the French, Geneva represents a last hope for ending the war. So deeply is this felt that the Secretary's speech before the Overseas Writers' Club and his statement to the Senate Foreign Relations Committee that China was coming "awfully close" to a situation that would justify "retaliation," as well as the President's warning of "chain disaster" in Southeast Asia, has shaken France to the point where the Laniel government is on the edge of collapse.

Raymond Aron, distinguished conservative commentator for *Le Figaro,* voiced widespread French sentiment when he wrote recently:

> For a long time Soviet political strategy [in regard to Indo-China] seemed to me to be identical with that pursued in Korea and Yugoslavia, namely, to keep the abscess open. There was no sign that negotiations, even had we desired them, were possible. Now, though the fact is yet to be convincingly demonstrated, it is probable that negotiations are possible. If until eighteen months ago one could honestly maintain that no chance for negotiation existed, today one must acknowledge with equal honesty that the situation has changed.

Even more important than civilian opinion is the determination of the military men not to overlook any chance for a negotiated settlement. The French high command is thinking of the ten divisions it could bring back from the jungles and rice paddies to balance the German divisions which the United States has decided must come into being—within or without the framework of E. D. C. General de Gaulle spoke for much of the army in his bitter attack on American policy. It was not a Jacobin but De Gaulle who accused the United States of reducing its own military strength "while pushing other nations into a close-quarter fight with the Communist armies."

The French high command would like a smashing French victory in Indo-China, if such were possible. What it fears, however, is that increasing American intervention would lead to an all-out war in Asia the main objective of which would be the defense, not of French, but of American, interests.

So the latest Dulles proposal, together with the reported secret American offer of air and naval support to be based in the Tonkin Gulf, came as a shock to the French. They had already been resentful of the American decision that nothing must happen in Geneva that could be interpreted anywhere—and particularly in Congress—as looking toward recognition of the Peking government. This is how Edouard Daladier put it:

> Apparently the French representative at Geneva, following the American lead, is expected to demand that China and Russia immediately cut off all aid to Ho Chi-minh. In return China is to be offered the American veto of its application for admission to the U. N., while Russia's payment will be the strengthening of E. D. C. Under such conditions how can the Geneva conference come to any constructive agreement?

Paris and London, moreover, doubt the validity of the basic Dulles premise—that is, that it is perfectly safe for the West to "get tough" because neither China nor Russia is willing to risk an H-bomb war in pursuit of what would at best be a local victory. But there are some in Washington who go farther than the Secretary. They believe that strong and daring action now would not only stop Ho Chi-minh but might serve to solve forever the Communist China problem. For—so goes the reasoning—if it comes to war, it will be easier to knock out China today than it might be five years later. Senator McCarran has already said, "It looks to me as if we are on the verge of war there," and he does not see how "we could avoid sending troops" if the Chinese intervened in force. Of course the whole question of Chinese intervention is in itself a complex matter. The Chicago *Tribune,* hardly a pro-Communist source, points out that as of now, at least, the "Chinese Communists are helping Vietminh in about the same way that we [the United States] are backing the French imperial forces in the same war."

Is the Dulles policy really "safe"? Alexander Werth, *The Nation's* Paris correspondent, emphasizes in his dispatches the continued strong pro-Ho Chi-minh line of the Soviet press. *Pravda* of March 30 speaks of the "brotherly solidarity of the workers of the Soviet Union with all those fighting for the freedom and independence of the oppressed peoples." Werth writes:

> Is this just "blah"? It would be rash to reach such a conclusion. . . . It is certain that Russia and also China are extremely anxious about the possibility of a massive intervention of the United States in Indo-China and that as in the case of Korea both countries are already preparing psychologically for the time when they may have to take certain grave risks.

Confirmation of Russia's anxiety came over the weekend with another *Pravda* editorial charging that the United States was planning military action against China which might include the use of atomic weapons. It was the sharpest attack on United States policy delivered by Russia in many months and bodes ill for the Geneva talks.

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THE JUDAS BILLS

Brownell's Program . . *by Laurent B. Frantz*

BEFORE Congress met to hear the President's legislative program, Attorney General Herbert Brownell, Jr., had already presented it with his own must list: legislation to permit the use of wire-tap evidence in the federal courts in "national security" cases and legislation providing that when witnesses claim a constitutional right of silence under the Fifth Amendment, they may be granted immunity from federal prosecution and then compelled to answer. [Last week the House gave Mr. Brownell part of what he wanted; see editorial on page 317.] The relation between these proposals is not accidental. Both are steps toward techniques of government which will keep the private citizen under political surveillance. As such they invite an examination of the importance of privacy in a democratic system.

Our ethical system places a high value on the individual. Hence with us privacy is important both for its own sake and as necessary for the development of the individual. The late Justice Louis D. Brandeis understood this very well. In 1890, long before his elevation to the bench, he wrote:

> The design of the law must be to protect those persons with whose affairs the community has no legitimate concern, from being dragged into an undesirable and undesired publicity, and to protect all persons, whatsoever their position or station, from having matters which they may properly prefer to keep private, made public against their will.

And many years later, in one of his great dissenting opinions, he said:

> The makers of our Constitution . . . sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred, as against the government, the right to be be let alone—the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the Fourth Amendment. And the use, as evidence in a criminal proceeding, of facts ascertained by such intrusion must be deemed a violation of the Fifth.

Privacy, however, also has a public value which is more than the sum of its private benefits. As the sun's light can be converted into scorching heat by the use of a reading glass, normal social pressures to conform can be raised to unbearable intensity by focusing devices available to those in authority. This principle was well known to the medieval Inquisition, which forced heretics to expiate their ideological offenses by marching to the auto-da-fé, while the public turned out to watch. It was also used by our more immediate forbears, who found public punishment in the stocks or pillory more effective than the same amount of physical discomfort inflicted in private.

When such social pressures are turned upon political or religious deviation, whether they are frankly classed as punishment or characterized merely as "exposure," they become a very effective means of compelling ideological conformity. When they serve in addition as a lever for the systematic application of economic pressures, they provide the strongest weapons, short of death or torture, to which authority can resort to force the non-conforming individual into line. The black list and consequent exclusion of the individual from his trade or profession is more intimidating than fines and or imprisonment.

Under such circumstances, privacy becomes the reverse side of the coin of liberty. This was well understood by the men who wrote the Bill of Rights. They had fought some of their most important battles to maintain rights of privacy regarded as essential to liberty. One was over the "writs of assistance" which authorized revenue officers in the colonies to search for smuggled goods. Of the famous argument in which James Otis denounced these writs as placing "the liberty of every man in the hands of every petty officer," John Adams wrote: "Then and there was the first scene of the first act of opposition to the arbitrary claims of Great Britain. Then and there the child Independence was born."

It is logical, therefore, that claims of privacy and of liberty are intermingled in the Bill of Rights. One amendment, the Fourth, is specifically directed to privacy, guaranteeing "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." The first clause of the Fifth attempts to protect the individual's reputation from a form of injury by adverse publicity. It raises to constitutional status the device of the grand jury, which exists to weed out, in secret proceedings, malicious, frivolous, or unsubstantiated accusations which would, nevertheless, harm the person concerned if brought to public trial. A later clause of the Fifth, that no person "shall be compelled in any criminal case to be a witness against himself," is a capsule reference to centuries of struggle against the use of inquisitorial processes to compel dissenters to disclose their religious or political heresies under oath and to provide information on the heretical tendencies of their families, friends, and associates.

LAURENT B. FRANTZ is a frequent contributor to The Nation.

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Invading Your Private Life

NOWADAYS developments in the technology of electronics challenge even the possibility of privacy. Wire-tapping is merely the most familiar example. Its use demonstrates that the intrusions upon the individual's domain which were feared in 1789 were mild compared to the opportunities presented by modern technology.

Being familiar with warrants and their abuses, the drafters of the Fourth Amendment provided that "no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized." In the case of wire-tapping no such squeamishness can even be attempted. Wire-tapping is necessarily a dragnet operation. Soliloquies are not spoken into telephones; hence violation of the privacy of the individual under investigation violates also that of every individual with whom he may talk on the telephone. Since the identity of the person at the other end of the wire is generally unpredictable, no requirement of a court order or of an attorney general's permission can give him any protection.

Similarly, the conversations to be overheard cannot be "particularly described" like the goods for which a search warrant may be issued. The wire-tapper must take all or nothing. James Lawrence Fly, speaking out of expert knowledge derived from service on the Federal Communications Commission, described wire-tappers as "the least admirable of the groups of creatures that qualify for membership in the human race. . . . They violate every sacred relation established by God and protected by law: husband and wife, parent and child, minister and parishioner, doctor and patient, lawyer and client. . . . It is a patent fact that the wire-tapper invades privacy more outrageously and procures more detailed information on people's intimate affairs than could an intruder making an unlawful search and seizure."

Not the least serious aspects of this is that wire-tappers must sooner or later come into possession of information to which they have no conceivable right and which is worth money. It may be a business secret for which a rival is willing to pay, or a piece of inside information which would make possible a speculative profit, or some private scandal which someone would give anything to keep quiet. Thus wire-tapping, by its very nature, sets the stage for blackmail and other abuses.

What little information we have on this dark corner of lawless law enforcement does not suggest that tappers as a group have been notably impervious to the temptations of their trade. In New York, where wire-tapping is legal and regulated under state law, an investigation of Brooklyn police methods a few years ago disclosed that the requirement of a prior court order to authorize wire-tapping had not protected the citizen and that the abuses of the practice had been conducive to police bribery and corruption.

•

MOST policemen and prosecutors are inclined to assume that anything is justified which will facilitate their work. Milton wrote: "So spake the fiend, and with necessitie, the tyrant's plea, excused his devilish deeds." Concerning this particular plea, the Washington *Post* commented:

> It may be that such indiscriminate wire-tapping would help the F. B. I. catch spies and saboteurs. So, for that matter, would rifling the mails and reading private correspondence. So would unrestrained power to search the home of any suspected individual. So would the suspension of the writ of habeas corpus, which, as everybody knows, is used by criminals to make the work of the police more difficult. No doubt a judicious use of the thumbscrew and the rack and other third-degree techniques—applied, of course, only to non-citizens or citizens who engaged in espionage and sabotage—would help the cops to get convictions.
>
> But every free and civilized society has forbidden its police to use such methods. . . . Congress wisely classified wire-tapping among the forbidden police methods because the dangers inherent in it to innocent persons outweigh the benefits it may yield to law enforcement.

The policeman reasons that his investigations are directed only against criminals. In fact, only a policeman so infallible as to have no need to investigate could make such a claim. Police methods are used against suspects, not convicts. All those to whom they are applied are entitled to a presumption of innocence, and experience shows that a considerable proportion of them will prove to be innocent in fact.

Furthermore, even the premise that wire-tapping would be helpful against spies to a significant degree needs close examination. Since persons engaged in espionage are hardly likely to commit their secrets to a telephone wire, the proponents of the legislation have sought other grounds for it. The Coplon case is presented as one in which the prosecution failed because wire-tap evidence could not be used; but it is not such a case. District Judge Ryan, after reading the defendant's tapped conversations, reported that they contained no evidence of espionage. One Coplon conviction was reversed because of an illegal arrest and search and the other because the defendant's constitutional right to private consultation with her lawyer was invaded when the F. B. I. tapped lawyer-client telephone calls while the case was being prepared for trial. Admission of wire-tap evidence would not have changed either result.

Attorney General Brownell has intimated that Harry Dexter White and his associates could have been indicted if wire-tap evidence against them had been admissible. This charge against a man no longer able to defend himself rests wholly on Mr. Brownell's unsupported assertion as to what undisclosed evidence in his possession would tend to prove. No doubt wire-tap records would have disclosed that a number of persons of similar views and interests, most of them employed in the same agency, were in contact with one another. What else, if anything, they would have shown, we are still waiting to hear. Unfortunately for Mr. Brownell, his only witness, Elizabeth Bentley, let him down at what, for our purposes, is the crucial point. Asked on a radio interview whether a stronger case could have been made against her "spy ring" if wire-tap evidence had been admissible, she replied: "Probably not in the case of my Soviet agents, because we were so frightened of telephones we never said anything over them. That's been my own experience."

The bill passed in the House last week restricts the use of wire-tap evidence to "national security" cases. The

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term is an elastic one in these times. J. Edgar Hoover declared in 1949: "It is no secret that the F. B. I. does tap telephones in a very limited type of cases with the express approval in each instance of the Attorney General of the United States, but only in cases involving espionage, sabotage, grave risks to internal security, or when human lives are in jeopardy." Yet in the Coplon case in the following year F. B. I. reports came to light which revealed that the bureau had tapped phones in many instances merely because the victim was a radical or associated with radicals and without the slightest basis for supposing that any crime at all had been committed. In these times the effect, if any, of the "national security" limitation would probably be to concentrate wire-tapping efforts in the field of political surveillance of the private citizen. This is precisely the area in which the argument of necessity is most dubious, since political movements necessarily have many public manifestations and thus offer—if it be assumed that they should be investigated at all—many less objectionable avenues of investigation. It is also the area in which resort to wire-tapping is most dangerous to civil liberties.

In 1928, when the Supreme Court by a five-to-four decision in the Olmstead case held that the Fourth Amendment does not prohibit wire-tapping, Justice Brandeis warned: "Our government is the potent, the omnipresent teacher. For good or ill, it teaches the whole people by its example." This warning has since been amply fulfilled by the growth, in imitation of governmental wire-tapping and under its protective shadow, of wire-tapping as a lucrative private racket.

THE Supreme Court's decision that there was no constitutional protection against wire-tapping led to a demand for statutory protection. Congress therefore provided, in Section 605 of the Federal Communications Act of 1934, that "no person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person; . . . and no person having received such intercepted communication . . . shall . . . use the same or any information therein contained for his own benefit or the benefit of another not entitled thereto." This is still the law, and violation of it is a felony. As the Supreme Court held in 1937 that the section applies to governmental wire-tapping, it is difficult to avoid the conclusion that the F. B. I. has ever since been committing federal felonies. No doubt it is a comfort to the bureau that much, though by no means all, of this activity has been directed against Communists, who are well known to entertain the shocking and un-American notion that the end justifies the means.

Although not embarrassed enough to stop wire-tapping, the Department of Justice has been sufficiently uncomfortable about the matter to promulgate a theoretical justification for its activities. The essence of the theory is that the federal government is all one person. Consequently, when material from wire-tap records is bandied from office to office, there is no divulgence or publication—it is only the governmental personality talking to itself. This ingenious reading derives no comfort from what the courts have said on the subject. Indeed, the department itself sometimes behaves as if it did not take the theory very seriously. For example, in the Coplon trial an F. B. I. directive came to light which ordered, "in view of the immediacy of her trial," that the taps on Miss Coplon's phone be discontinued and that all recordings made from them be destroyed. This was signed, or indorsed, "O.K.—H," and following that were the words: "This memorandum . . . to be destroyed after action is taken." It is significant also that the Department of Justice has apparently never felt that it could put a stop to private wire-tapping without undermining its own position. Indeed, Attorney General Jackson once frankly admitted: "The department could not in good conscience prosecute the wire-tappers because the federal investigators had themselves used wire-tapping."

Yet well-qualified experts have doubted whether the police have any genuine need of wire-tapping and have even suggested they might be better off without it. Inspector Nowlin of the Detroit vice squad said: "A lot of policemen are lazy. You can get the information you need if you just go out and develop it. But some of the boys would rather sit in an easy chair with the earphones on." J. Edgar Hoover himself once condemned it even more strongly. After having said of wire-tapping in 1931 that "while it may not be illegal, I think it is unethical," Hoover described it in 1940 as an "archaic and inefficient" practice which "has proved a definite handicap or barrier in the development of ethical, scientific, and sound investigative technique."

A country in which law-abiding persons fear to discuss matters of a confidential nature over the telephone has already taken on some of the atmosphere of a police state. Almost daily advances in the technology of surveillance indicate, however, that this is only the beginning. In the recent Irvine case in Long Beach, California, local police recorded every word spoken in a private home for three months to prove a violation of a bookmaking law. Use of an informer to engage a suspect in conversation and to broadcast that conversation to the police from a transmitter concealed in the informer's pocket has already been approved in another five-to-four Supreme Court decision. Now on the market is a recording device concealed in a briefcase, advertised as capable of picking up whispers at forty feet. With each passing year Justice Brandeis's warning of a quarter-century ago becomes more timely:

> The progress of science in furnishing the government with means of espionage is not likely to stop with wire-tapping.

'Indecent Police Methods'

> A government ceases to be the servant of the people whenever police agents, under the excuse of crime detection, are allowed to monitor private conversations of supposedly free men. . . . Brownell's wire-tapping proposal . . . is an unnecessary device for detecting espionage, subversion, and treason. It is a cover-up for lazy, inefficient, unimaginative, ruthless law-enforcement administration. The history of the struggle for freedom shows that indecent police methods, such as proposed by Brownell in this instance, breed disrespect for law and shake the confidence of law-abiding citizens in the administration of justice.—*Senator Wayne Morse in* Newsweek, *January 11.*

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Ways may some day be developed by which the government, without removing papers from secret drawers, can reproduce them in court, and by which it will be enabled to expose to a jury the most intimate occurrences of the home. Advances in psychic and related sciences may bring means of exploring unexpressed beliefs, thoughts, and emotions. . . . Can it be that the Constitution affords no protection against such invasions of individual security?

A nightmare world in which no one can escape, even for a moment, the possibility that his every act and utterance are being officially observed is technologically possible in the near future. Modern tape-recording techniques enable unscrupulous wire-tappers to convert an innocent conversation into a confession of guilt by simply erasing a word or phrase from the tape. Thus the sentence "I was sure that he was a Communist in 1940" can be easily made to read, "I was a Communist in 1940." The ease with which "tapes" can be cut makes frame-ups by wire-tapping fairly simple. Clearly, we should be trying to strengthen the legal defenses of privacy against the increasing threats to it rather than, as Mr. Brownell proposes, making a further breach in them.

Scuttling the Fifth Amendment

THERE is a curious kindship between Mr. Brownell's wire-tapping measure and his proposal that reluctant witnesses should be forced to talk by a grant of immunity. The first would tap wires; the second would tap relatives, friends, and associates. Together they would compel Americans to self-censor not only their telephone but their face-to-face conversations, in view of the possibility that the other party to the conversation might be conscripted to play the role of informer.

The prevalence of informers, and especially of official compulsion to inform, is as characteristic of the police state as tapped wires and listening devices. Both have a deadening effect on freedom of discussion, especially freedom to criticize those in power and their policies. Both evidence a government which either distrusts its citizens or desires to control their actions in considerable detail.

The immunity bill can be understood only in the light of the situation from which the proposal stems. A large number of "unfriendly" witnesses have claimed their constitutional right under the Fifth Amendment to refuse to cooperate with committees investigating their allegedly subversive affiliations or associations. In general, this has not been a problem of government agencies or, for that matter, of Congressional committees. It has happened frequently enough to give rise to a demand for legislation only in a single type of investigation—that carried on by the McCarthy and Jenner committees in the Senate and the Velde committee in the House.

Not one reason, but the total impact of several, has brought about the silence of witnesses in this situation. It is due in part to the fact that though the witness has violated no law, his testimony may reveal ideas or associations which may be used to his injury in many ways. There is the possibility, for example, that the information revealed might supply the prosecution with links in a chain of evidence against the witness in a federal prosecution. Although the McCarthys, Jenners, and Veldes have worked hard to give the public an erroneous view of the law, the courts have held that the fact withheld need not be a guilty one, if it would furnish "a link in the chain of evidence needed in a prosecution" and that "the privilege [of the Fifth Amendment] is for the innocent as well as the guilty and no inference can be drawn against the person claiming it that he fears that he is 'engaged in doing something forbidden by federal law.' "

AN IMPORTANT aspect of the matter is that a question which calls upon the witness to be an informer is almost invariably subject to the privilege—unless the witness has waived his privilege by talking freely about himself. The answer to such a question cannot be limited to supplying information about others. At the same time it necessarily supplies information about the witness' associations and his knowledge of other persons' activities. Such information could provide not only a link but a very crucial link in any conspiracy prosecution against the witness. It might, if interpreted against him by a jury, even lead to his conviction on a charge of conspiring with others to do things he himself has never done or to say things he himself has never said. Consequently, witnesses in this situation have had both a constitutional right of silence (arising from the danger to themselves) and an ethical motive for silence (arising from an unwillingness to injure others), which, though arising independently, have flowed together toward the same result.

The theory of the immunity statute is that the constitutional right of silence stems only from the danger of federal criminal prosecution and can be overcome by isolating and removing this factor. Once this is done, any citizen may be conscripted for the role of political informer. He may also be compelled to collaborate actively in his own undoing, provided his undoing is wrought otherwise than by federal criminal prosecution.

Under the Keating bill, which Mr. Brownell supports, a witness's constitutional claim to silence could be overridden on a written statement by the Attorney General, incorporated in the record of the hearing, that his testimony is necessary to the public interest, plus a two-thirds' vote of the committee granting the witness immunity from prosecution with respect to any matters concerning which he is compelled, over Fifth Amendment objections, to testify. A bill introduced by Senator McCarran passed the Senate last year, but it has been opposed by the Administration because it would empower the committees to grant immunity whether the Department of Justice agreed or not.

Whether an immunity bill is constitutional is a question too intricate for adequate discussion here. (See The Fifth Amendment: Freedom's Bastion, by Leonard Boudin in *The Nation* of September 29, 1951.) The closest judicial precedents indicate that it is, although those decisions were reached over strong dissents and in cases not truly comparable to the present one. A contrary conclusion could be reached on excellent legal and historical grounds which have never been adequately explored by the courts. The probability

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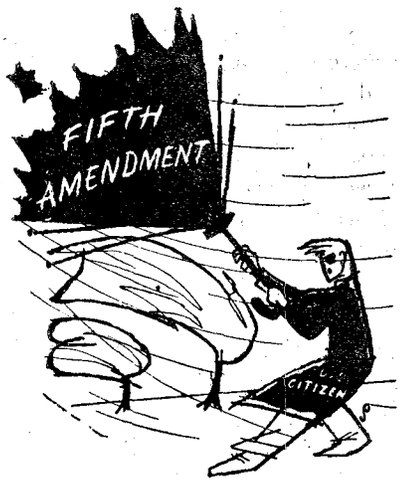
that Mr. Brownell's bill, if enacted, will be held valid by the courts must be considered rather high. The recent decision of the Supreme Court in *Adams* vs. *Maryland*—that the federal immunity act of 1862 applies to prosecutions in state as well as federal courts—removes one of the principal constitutional objections. Unfortunately, a declaration that a measure is within the limits of constitutional power will not keep it from having a disastrous effect on the political liberties which the Constitution was intended to secure.

We are not without experience in the matter of immunity statutes. A few have been on the books for some time, but they operate solely in areas, such as interstate commerce, in which detailed government supervision is required and in which detailed information is needed as a basis for that supervision. These are also areas in which the information sought, though individuals may be asked to supply it, relates typically to the affairs of corporations, which do not share the individual's claim to a right of privacy. Indeed, if we finally decide to regulate political activities in much the same manner and spirit in which we have formerly regulated interstate commerce, an immunity statute to facilitate the task will no doubt be necessary.

One general immunity statute was passed, in 1857, to facilitate the work of Congressional committees. It produced some curious results. There was the case, for example, of a clerk who had stolen $2,000,000 in bonds from the Interior Department; he managed somehow to get himself questioned by a Congressional committee and as a result the indictment pending against him had to be quashed.

When Abolitionists were investigated, it was an entirely different story. In 1860 a select committee of the Senate, headed by Senator J. M. Mason of Virginia with the able assistance of Senator Jefferson Davis of Mississippi, undertook to probe the anti-slavery societies to see whether they had had any complicity in John Brown's recent raid at Harper's Ferry. Although the investigation was dignified and moderate in comparison with a McCarthy hearing, it seems to have been the original Congressional ancestor of the McCarthy-Jenner-Velde phenomenon. One of the witnesses summoned was Thaddeus



Hyatt of New York, president of the National Kansas Committee. In refusing to answer the committee's questions, Hyatt declared:

> As a citizen of the Republic, faithful to its traditions, its genius, and its laws, I protest against the inquisitorial character of a tribunal that in the exercise of its merely normal functions degrades its witnesses into "informers." Powers such as those with which your committee have been clothed by the hasty action of the honorable Senate are not incident to a government organized as is ours, with a learned and competent judiciary. . . . Holding to the Constitution, and to the privileges and immunities provided by its safeguards, I feel bound in duty, as well to the public as to myself, to ignore as usurpation the exercise of unconstitutional powers in a matter of import so grave and far-reaching as the present. Unrebuked encroachments of power today become the precedents of tyranny tomorrow.

Thaddeus Hyatt, unlike the Interior Department clerk, went to jail.

After five years' experience of the 1857 immunity statute, Congress repealed it by the unanimous vote of both houses but adopted a limited immunity statute still in effect. The immunity that this provides is not great enough to deprive the witness of his Fifth Amendment rights. Until recently, only one effort was made to revive the 1857 act. That was in 1876, when the House passed a similar statute which was killed in the Senate when the Judiciary Committee reported that it was both inexpedient and unconstitutional.

Our experience with immunity statutes may be summarized as follows: They serve a legitimate function in narrow areas as a means of implementing detailed and continuous governmental supervision of an activity requiring such supervision. The effect of a general immunity statute, especially one passed in aid of Congressional investigations, is to set criminals free and put dissenters in jail.

AS IN the case of wire-tap legislation, the argument for an immunity statute based on alleged necessity is spurious. Committees which stick to their constitutional function of discovering the facts needed for an enlightened exercise of the legislative function make few headlines. Consequently few people realize that most legislative committees, even today, do exactly that and are not one whit impeded by the Fifth Amendment. The explanation is simple. Legislative facts—the broad outlines of the situation and the policy factors involved—and adjudicative facts—the truth about who is responsible for a situation assumed to be bad—are, broadly speaking, different kinds of facts. Borderline situations exist which involve elements of both, but the situations which have given rise to the demand for an immunity bill are not borderline: they are way over on the adjudicative side of the fence. One can dream up hypothetical cases in which information incriminating to someone would shed light on a legislative function, but in practice such cases are rare. And even when they occur, information which *for legislative purposes* will serve equally well is almost invariably available from some other source.

Thus it is not true that the Fifth Amendment impedes legislative functions. What it does is to impede legislators from usurping the functions of the judiciary. It is thus a highly salutary reinforcement to the principle of separation of powers, one of the basic structural features of our government.

There is, however, another reason why immunity legislation is unnecessary. Witnesses in a Congressional investigation often plead the Fifth Amendment because they are afraid they may forfeit its protection entirely by answering a single question. The theory, of course, is that by answering some questions they have "waived" their right to plead the Fifth Amendment. Dean Erwin N. Griswold of the Harvard Law School has proposed that instead of passing an immunity bill Congress solve the waiver problem by a simple provision that a

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witness's answer to any question shall not be deemed a waiver of his right to invoke the Fifth Amendment on any other question. Many if not most witnesses would undoubtedly prove a great deal more informative if they were relieved of the waiver peril; yet the constitutional protection would be strengthened, not weakened. Even from the standpoint of those who assume that McCarthy, Jenner, and Velde should be able to obtain more information, the need for an immunity statute cannot be demonstrated until the potentialities of Dean Griswold's proposal have at least been fully explored.

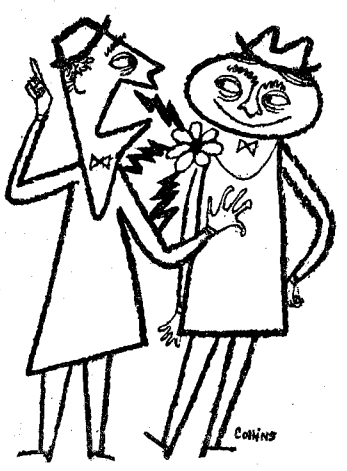
INDEED, the choice of the immunity remedy rather than that suggested by Griswold is a clear sign that further information is not the end sought. And there are other reasons for reaching the same conclusion. In seeking to set aside the right to silence granted by the Fifth Amendment, the McCarthy, Jenner, and Velde committees might conceivably be seeking (1) further light on communism and the Communist Party, (2) the confession of the witness himself, or (3) further names which the witness could supply. But whatever the committees' claims, the first is plainly not the real goal.

The case against the Communist Party has long since been compiled with a thoroughness that has probably never been matched for any comparable subject. It boils down to a limited number of basic accusations which have been repeated and amplified in countless proceedings. The committee members could spend the rest of their lives reading the testimony already taken in Smith Act trials, deportation hearings, state and federal legislative investigations, and so on. They would never arrive at convictions adverse to the Communist Party other than those with which they began. From the standpoint of the practical work of the committees, the nature of the Communist Party is not an object of investigation but a premise that is assumed. The identity of the individuals involved and the degree of their involvement are now the real objects of investigation.

Under other circumstances the power to force a confession from the witness might be of decisive importance to the committees, as it was to the religious inquisitor of the Middle Ages. The modern inquisitor, however, has worked hard and long to convince the public that a refusal to answer is equivalent to a confession. The inference is logically, as well as legally, unsound (see Does Silence Mean Guilt? by Redlich and Frantz in *The Nation* of June 6, 1953), but this fact has seldom been allowed to interfere with its use. In any case, the demand for new legislation can hardly be explained by the uneasiness of the committees over the unsoundness of their own inferences. What they need now is names. Hence, if their demand for an immunity bill is motivated by a desire for any kind of information, it is for the information that can be obtained through the conscription of political informers.

The witness is thus placed in an unenviable position. Typically, he considers the conduct or associations which have caused him to be summoned before the inquisitors both morally and legally innocent. He has no reason to suppose, in most instances, that those whose names he is asked to disclose were any less innocent. Naming them, however, will place them in the position of defendants before a tribunal which will presume them guilty and offer them no fair opportunity to defend themselves. Moreover, they may suffer serious economic consequences merely from having had their names mentioned in such a setting.

Considerations peculiar to the nature of the hearing thus strongly reinforce a deep and ancient ethical tradition that it is wrong to endanger others in order to purchase safety for oneself. This feeling is especially strong when the price demanded is information which the witness possesses only because he is or once was trusted by those others. One of the first ethical lessons an American child learns from his contemporaries is that it is contemptible to be a tattle-tale. Those who do not share the moral scruples of the witness should nevertheless recognize that it is a deeply serious matter to command him, on pain of imprisonment, to violate his own conscience. Our tradition of draft exemption for conscientious objectors expresses a realization that even the ultimate emergency of war does not necessarily justify the state in compelling an individual to do that which his own conscience forbids.



THERE is good reason to believe, however, that the desire for more names is not the real reason why an immunity statute is demanded. Most of the names that an unfriendly witness could be compelled to supply would be already available to the committee through friendly witnesses or other sources. A typical examination of one or more friendly witnesses nearly always turns up more names than the committee has time to follow up.

That the real purpose of the whole procedure is not to get information but to get the witness is at times quite frankly admitted. Senator McCarthy, arguing on the Senate floor for his most recent appropriation, said: "The Communist Party is going to bleed very heavily. We will send its leaders to jail, not because of technical convictions of espionage, but for contempt of this committee."

Those who wish to put dissenters in jail face a number of obstacles. There is the nuisance of having to make specific charges, which is complicated by the fact that the real charge does not state any violation of law. There is the bother of having to offer proof of the crimes charged, together with the expense and delays of a formal trial in which the accused has rights. All these obstacles can be eliminated at one blow if the dissenter can be maneuvered into a position in which he can be jailed just for his unwillingness to offer human sacrifices on the McCarthy, Jenner, and Velde altars. This is the real purpose of the proposed immunity bill. It gives a person immunity only if he becomes an informer.

Even if the immunity bill gave the witness protection fully equivalent to that afforded by the Fifth Amendment

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Courtesy St. Louis *Post-Dispatch*

Beware of False Santas

—which is very far from being the case —it would still provide no substitute for the protection which the amendment gives to certain public values. As Dean Griswold of the Harvard Law School recently pointed out:

> The significance of the privilege over the years has perhaps been the greatest in connection wtih resistance to prosecution for such offenses as heresy or political crimes. In these areas the privilege against self-incrimination has been a protection for freedom of thought and a hindrance to any government which might wish to prosecute for thoughts or opinions alone.

THIS significance goes back to the fact that the privilege was first developed by Puritan dissenters in England to protect themselves from being brought before inquisitorial tribunals and there required to confess their heresies and name other heretics. It goes back to the fact that our New England colonies were settled in the main by these same Puritan dissenters, fleeing from religious persecution, who brought the notion with them and made it one of the first civil liberties to be recognized on American soil. It goes back to the stories of William Bradford, first printer in the Pennsylvania colony, who a century before the Fifth Amendment stood on his right to refuse to tell the council whether he printed the Penn Charter for public distribution. The document had become subversive because it reminded the people that they had been granted rights by the crown which the colonial government was violating. It goes back to eighteenth-century decisions of the English courts that no witness could be compelled to answer whether or not he was a Roman Catholic, not because it was a crime to be a Catholic—it was not —but because of the discriminations and disabilities to which Catholics were then subjected.

It goes back to the words of President Andrew Jackson, who on January 27, 1837, replied to a Congressional committee's demand for information:

> In open violation of the Constitution, and of that well-established and wise maxim that all men are presumed to be innocent until proven guilty, according to the established rules of law, you request myself and the heads of departments to become our own accusers, and to furnish the evidence to convict ourselves. . . . For myself, I shall repel all such attempts as an invasion of the principles of justice, as well as of the Constitution; and I shall esteem it my sacred duty to the people of the United States to resist them as I would the establishment of a Spanish Inquisition.

And it goes back to the words of John Brown, Jr., who on January 25, 1860, replied to the Mason committee which was investigating the role of the anti-slavery societies in the Harper's Ferry raid:

> I should obligate myself to make known that which would implicate others, which, as the Lord liveth, I will not do. You say that by giving my testimony I can exempt myself from further trouble. In answer, I would say, that I cannot purchase immunity from further prosecution by an act of treachery.

There is a fundamental difference between an accusatorial trial, in which the burden is on the accuser to prove his case before an impartial tribunal, and an inquisitorial trial, in which the tribunal tries to prove the case by questioning the accused. The inquisitorial method is peculiarly suited to the trial of ideological offenses, and so the desire to punish men for such offenses—whether it be religious heresy before the medieval Inquisition or political heresy before the Court of Star Chamber—has always brought with it a tendency to develop and perfect the inquisitorial process. Once developed, this has always proved a powerful instrument of tyranny.

When a Congressional committee makes the guilt of a particular individual its central concern and is able to use his employers or potential employers as unofficial executioners, we have what in legal form is a legislative investigation but in substance and practical effect is an inquisitorial trial. It is a trial which aims—often quite openly—to discourage ideas and associations which Congress, under the First Amendment, has no power to prohibit. It is a trial in which the accused has no right to know the nature of the accusation, no right to confront or cross-examine his accusers, no right to summon witnesses in his own behalf, no right to the effective participation by his counsel in the proceedings. Not just one clause in the Bill of Rights but the practical effectiveness of all those mentioned here is at stake. The Fifth Amendment obstructs the further development of this form of trial, but the immunity bill is designed to facilitate that development and bring it to perfection.

Those who argue that an immunity statute is necessary to preserve the Fifth Amendment and also to permit Congress to secure information it needs overlook the fact that the Fifth Amendment was historically designed to prevent the gathering of any information concerning the political beliefs and associations of the individual citizen. Since the Fifth Amendment is about the only check we have on the power of Congress to inquire in this area, a so-called "compromise" of the type proposed, which would attempt to reconcile the alleged need for information with the provisions of the Fifth Amendment, is really no compromise at all. The desired

The Word Is Tyranny

I say there is just one good, clear, old-fashioned word to describe what Mr. Brownell is proposing . . . the word is *tyranny*. If Mr. Brownell's proposal [for an "immunity" statute] is carried out, it will effectively destroy the most personal of all rights guaranteed to Americans by their Bill of Rights. In effect the proposal of the Attorney General would require citizens to incriminate themselves.

. . . I would submit that you can find no better definition of tyranny than a system of government which requires a man to convict himself by *his own testimony.—From a speech by Bower Aly, chairman of the Department of Speech and Dramatic Art of the University of Missouri, December 28, 1953.*

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immunity bill would sacrifice the Fifth Amendment. It would amount, in essence, to nullification by indirection. It must, therefore, be defeated. The privilege against self-incrimination, as Dean Griswold said, "has been a long time with us. It is a good friend as well as an old friend. It embodies a sound value which we should preserve. As we increase our understanding of it, and the part it has long played in protecting the individual against the collective power of the state, we will have better appreciation of some of the basic problems of our time."

TRUTH ABOUT THE TRUTH

About Pearl Harbor . . *by David Cort*

ACCORDING to the fascist version of history, currently being revived by certain histories and in Pentagon debate, President Roosevelt and his advisers were traitors who frivolously plunged America into the Second World War either to increase their personal power and win a place in history or, since they were secret Communists, to preserve the Soviet Union. What is very significant, the Communists do not contradict this fantastic assertion. It suits their book as neatly as it does Senator McCarthy's. Unfortunately, many decent people more or less accept it. Its falsity, however, can be exposed by telling the long-suppressed truth about Pearl Harbor.

Fascists and Communists will probably always be with us. People of the posse mentality join the former; those of the secretive underdog mentality the latter. Both enjoy running in packs, in pursuit of the same prey, who turns out to be no other than you and I.

Today the menacing foreign power is labeled Communist and the fascist has nowhere to go except into the United States government, dressed up as a sort of super-American. The American fascist is today a tragic figure, and his torment began with Pearl Harbor. Because he had to help in the destruction of his foreign heroes, he needs a distorted picture of Pearl Harbor. But he should look farther back, to the Hitler-Stalin pact of August, 1939. This revealed to the rest of us that the apparent hostility of the Communist and the fascist could not quite be depended on. Bullfighting has a term, "moment of truth." It applies to the nearly two years of that Communist-fascist pact. It is dangerous, if gracious, to forget how some Americans responded to the headlines describing the collapse of parliamentary governments before dictatorship.

Until the fall of France one could argue honorably about Munich and appeasement and Neville Chamberlain's umbrella and the Treaty of Versailles and British imperialism and the Polish colonels' clique. But by the summer of 1940 it had all been turned into archaic rubbish by events. Anybody who still talked this nonsense was suspect. If he also ranted against the wicked Finns, the suspicion was a certainty.

The fascist in that period could not conceal the inner, complacent smile. He could be very funny about the blunders of democracy. The idea that accused persons should be given the benefit of any doubt was hilarious to him, and he thought there was a kind of political "error" that was best corrected by hitting a man with a club. The smart ones were dismayed by Pearl Harbor, for reasons that will appear.

I knew only so-called "leader types," but I once saw the followers in the mass at a meeting of America First at Carnegie Hall. The faces with clenched jaws, with popping and wandering eyes, with dangling locks or shaven pates, male and female, the younger the more obviously deviant, such were the dedicated people, but not yet quite dedicated enough for the asylum. After Pearl Harbor, these people mysteriously vanished from public view. They were not seen again until, I am told, McCarthy charmed them out of the woodwork.

In contrast to the fascist and the Communist, the mass of the American people were simply dismayed and frightened by the destruction of democracy in most of the homelands of Americans, save only England, Ireland, Sweden, and Switzerland. Real Americans did not take the implied Communist-fascist advice: how better can it be expressed than in the expletive "Drop dead"? Democracy did not drop dead.

How else should Americans have reacted, when Hitler invaded Russia in June, 1941, then to be delighted? Americans saw that their advantage lay in Russia's not losing, especially in not losing quickly and bloodlessly. But this attitude had elements of inhumanity that forbade its too open expression.

The following five months can be characterized as a "moment of untruth." The fascists slowly stopped smiling. The Communists began admiring Churchill and Roosevelt.

THE hour of Pearl Harbor approached, the ultimate "moment of truth," the single moment that will fill most of the page or so given to the Second World War in the history books a hundred years from now. And most of that unwritten page would astonish any living American, for so far as I know, the factors that produced Pearl Harbor have not yet been reported. Churchill in his "Second World War" misses the point; he writes all around the point, but I feel confident that he avoided it deliberately.

Pearl Harbor exploded out of a misunderstanding. History does not gener-

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ally favor tricky plots such as any hack writer can contrive to confuse the reader. But Pearl Harbor was the climax of as grimly pretty a piece of farce as ever saw a stage. Its elements were these. In Europe, Hitler had uttered the big boast that in a few minutes he would have Moscow, assuming that the German armies had overrun or destroyed the mobilization centers, the reserves, and the Russian tank armies. The Japanese believed him, and for them the degree of the German victory was terrible news. It meant that in 1942 the German armies would probably overrun the Middle East and South Asia and destroy the British and Dutch empires. The Japanese were inclosed by competitive fears—of Russia, of Hitler, and of the United States—but the greatest of these was the fear of doing nothing, and at once. In Japan, in December, 1941, the nettle, danger, and the flower, safety, seemed both very close.

The German attack on Moscow was launched from twenty miles away on December 4. The Japanese struck on December 8 (their time). Between those two dates the fog of war before Moscow drifted aside and disclosed a huge Russian tank army, unmauled, unterrified, and fresh as a daisy. The Germans took one look at it and canceled the winter campaign, on December 8. But it was then too late for the Japanese to retract Pearl Harbor. They were inextricably committed to fighting alone in the Pacific

against a power with an annual steel production of nearly a hundred million tons, a good deal of which presently began coming their way in a variety of disquieting shapes and sizes.

The key to the farce was that tank army. The key to the tank army was the arrival at Murmansk and Archangel in October and November, 1941, of the first cargoes of American and British armaments. Unimportant in themselves, they had enabled the Russians to throw everything they had into the defense of Moscow, in the assurance of replacements all winter and spring. The timing of the democracies had been impeccable. The timing of the Axis had been disastrously competitive and uncoordinated.

The reason is moral and philosophical. Churchill and Roosevelt had put aside their distrust of Soviet Russia, which they either knew or suspected was already trying to make peace with Hitler. But the Germans and Japanese were operating on the morality of rival hyenas eyeing the same toothsome carcass. Japan had a sense of desperation, like a hyena that has come late to the feast and sees its favorite parts being gobbled. Germany, bloated and cynical, saw no reason to tell its fellow-hyena that the carcass was not quite dead. The climate of murderous greed and jealousy is not conducive to good timing.

The dates are worth noticing.

In October-November the first British-American supplies reached Russia.

On November 25 the Japanese carrier fleet sailed for Pearl Harbor, subject to recall at the last moment.

On November 30 we knew, because we had broken the Japanese code, that Tokyo had radioed Berlin that Japan might attack "quicker than anyone dreams."

On December 1 the Imperial Conference in Tokyo decided for war.

On December 4 the Germans attacked Moscow.

On December 5 the Russian tank army counter-attacked.

On December 8 Pearl Harbor.

On December 8 a military spokesman in Berlin announced that the capture of Moscow was no longer to be expected in 1941.

Japan had brought America into the Axis war, on a misunderstanding. The consequences of this ill-timed act are well known.

However, the prosecution of a war presented peculiar problems to Roosevelt, who was not a native-born democrat but an aristocrat who could never feel any real identity with the mixed rabble of the Congress. He believed in the people, but he was not one of them. In this case his solution was to play it safe. For the duration of the war I waited for Roosevelt to say what we were fighting for, but he never said it. I supposed that his reason was that any platform for war would have antagonized some section of that people which he did not understand.

Because I loved him, I cannot say that he was wrong. In the event, the Communists and fascists among us, the Germans, Italians, and Nisei, helped wage the war. One parlor fascist whose boast was that he had marched into Madrid with Franco became a rear admiral in the United States navy. On the other hand, we need no reminder of how keen the Communists were for the American war effort, even as they slipped Moscow items of special interest.

For solid political reasons, the truth about Pearl Harbor was shuffled out of sight. The "moment of truth" slipped away, the long moment of untruth covered the alliance with Soviet Russia.

THE meaning of Pearl Harbor, which was so quickly suppressed, can most easily be read by imagining the Second World War without a Pearl Harbor. The course of history without Pearl Harbor is less cloudy than most such speculations. The German armed forces of 1941-42 were probably the most formidable offensive weapon of modern times. Had Russia not received all-out American and British aid, it is likely that it would have been pushed into a disgraceful peace and possibly fascist revolution in 1942. (The peace feelers between Stalin and Hitler continued for several years, primarily at Stockholm.) Delightful as the collapse of communism may seem by itself, its replacement by German fascism over the whole land mass of Eurasia and Africa would hardly be an improvement. Indeed, the possibility frightens me far more than the present state of the world.

America's ultimate chances in a war against the whole Eastern Hemisphere under German domination baffle me still. At the most sanguine, one must suppose it would have lasted as long as twenty years. But when one remembers that during most of those years the Germans would have had an atom bomb and a great strategic air force, the nature, duration, and outcome of that war assume a face one does not care to contemplate. And its most appalling feature is highlighted by the reflection that America developed its own atom bomb only under the actual stimulus of war.

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Without that stimulus? Perhaps.

It is only human to shirk the obvious conclusion, which is that democracy, the American way of life, would probably have been destroyed, to await the good-will of some German government of the future for its grudged rebirth.

This disaster was averted by Pearl Harbor. Because it was averted, it is now easy to claim that it was never a possibility. Anticipating such a day, I began saving the copies of the New York *Times* from Pearl Harbor on, so that I would have a reminder if I were ever tempted to "such boastings as the Gentiles use." Those terrible headlines still have the power to teach a sense of history.

It was in the light of those headlines and an averted possibility, that Roosevelt put out of sight such truths about Pearl Harbor as the following: (1) A Japanese attack was expected, and even hoped for. (2) The Japanese move was directed primarily against Hitler, on a misreading of the battle of Moscow. (3) American and British aid won the battle of Moscow. (4) The strategic value of the Japanese attack changed overnight from an easy sneak grab of some loose empires, on the eve of Axis victory, to a nuisance holding operation. (5) Pearl Harbor could not be excused as a "day in infamy." It was simply the worst naval disaster of a great power in modern history, and grows more inexcusable as our perspective improves. Its anniversary should be observed as a humbling day of national mourning.

This last fact had to be kept secret as long as possible, for overbearing reasons of the very security of the nation. Such legitimate censorship spread naturally to the other truths, for Pearl Harbor presented America as the huge, arrogant talker at a bar who is knocked to the floor by the first blow of the serious little maniac who is inwardly scared out of his wits. We were brought into the war, not by the big bully in Europe, but by the little one in Asia, on a misunderstanding. Fortunately the Second World War was not a one-punch bar brawl. After our line-of-battle ships had been raised, towed to the West Coast, and repaired, Pearl Harbor began to look like what it really was—the absolutely fatal mistake of the Axis.

The double-talk about Pearl Harbor gets into Churchill's great book when he notes the hope of a good many American Congressmen that the Japanese, if they attacked, would by-pass the Philippines and "only" attack the British and Dutch empires. Churchill writes:

> All the great Americans round the President and in his confidence felt, as acutely as I did, the awful danger that Japan would attack British and Dutch possessions in the Far East and would carefully avoid the United States, and that in consequence Congress would not sanction an American declaration of war. The American leaders understood that this might mean vast Japanese conquests, which if combined with a German victory over Russia and thereafter an invasion of Great Britain, would leave America alone to face an overwhelming combination of triumphant aggressors.

The peril that was averted is the key to this paragraph. If one has a good memory, one accepts it as history and truth. Most of the American people, I feel sure, so accept it. But a minority, whom one may call fascist or merely short-memoried, now say that "the great Americans round the President" must have been Communist traitors for having regarded the "awful danger" that faced them as *no Pearl Harbor*. What terrified them was the possibility that Japan might *not* attack the United States. They were afraid that America might *not* go to war.

IN THE long run, it does not pay to suppress so huge and crucial a truth as this. So long as Americans evade it, men of bad faith will go on proclaiming that we could have had our cake and eaten it too, that we could have made our bed like Sweden, Switzerland, and Ireland and made history too. A half-witted child could make good easy politics of telling the people, "If we had not been betrayed, no Pearl Harbor and no more communism; lots of dead Russians, Germans, Japanese, Englishmen, Australians, and Dutchmen and no dead Americans; no Vishinsky and no Stalin. What more do you want?"

Nor is it necessary for them to add the corollary: "Only Hitler. From the Atlantic to the Pacific, only Hitler." For Hitler is dead. The quiet, sane body of the American people, who do not talk very much, saw to that.

There seems to be a clear continuity in this history, and much honor. With our eyes open we destroyed the more efficient and dangerous of two sets of dictators, in alliance with the other. In consequence, the democracies hold today the better half of Europe, Africa, South

Asia, the Pacific and have no fear for the Western Hemisphere. They have nearly all the fleets, all the commerce, and nearly all the natural resources. On this showing, it is evident that the American majority, headed by President Eisenhower, not only accepts our past but is proud of it.

That past has certainly not produced a present paradise on earth. The second set of dictators still remains to be accounted for. Our past has taught us one lesson, and we are infinitely better prepared for the second set than we were for the first set. Our past can teach us the other lesson, which is not to trust either Communists or fascists. But we should look with some sympathy on those fascists who, under the American flag, were obliged to fight formally against fascism for four years and have now returned full circle to the point where they started.

Certainly there are poor devils living under the mercy of democracy who profoundly dislike democracy, though they will accept its benefits. One such Senator has declared that he could make a good American out of a rival politician if he had a club, and that it is ridiculous to give an accused person the benefit of the doubt. When the cry of the fascist is heard again, some may say sadly, "This is where I came in."

It is not necessary to say that we must forgive the fascist, for he has some bitter memories and wounds; the American people are all too tolerant of him. But if we accept the fascist version of our history, our past, present, and future will never have any honor or continuity. It will not even make any sense.

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BONN TO BAGDAD

Old Winds Blow Again . . . *by Carolus*

Bonn

CHANCELLOR ADENAUER has at last succeeded in opening the way to the rearmament of West Germany. The previous Parliament ratified by a simple majority vote the "general agreement" to which E. D. C. and German rearmament were tied, but President Heuss refused to sign it until its constitutionality was affirmed by the West German Supreme Court. This had been questioned in a suit brought by the Socialists based on the undoubted fact that the West German constitution contains no reference to a German army. Germany, the Socialists contended, could have an army again only if the constitution were changed, and that would require ratification by a two-thirds' majority of Parliament. The Supreme Court finally informed the Chancellor that it agreed with the Socialist view. Thereupon the government requested the court to postpone announcement of its verdict until after the election.

The election gave Dr. Adenauer the majority he needed, and on February 26, 1954, Parliament voted, not indeed a change in the wording of the constitution, but a constitutional protocol to the effect that the "general agreement" and the rearmament of Germany were not contrary to the constitution. As the government spokesman put it rather shamefacedly, the protocol did not change the constitution but merely "completed and explained it." The decision of the Supreme Court was thus made superfluous.

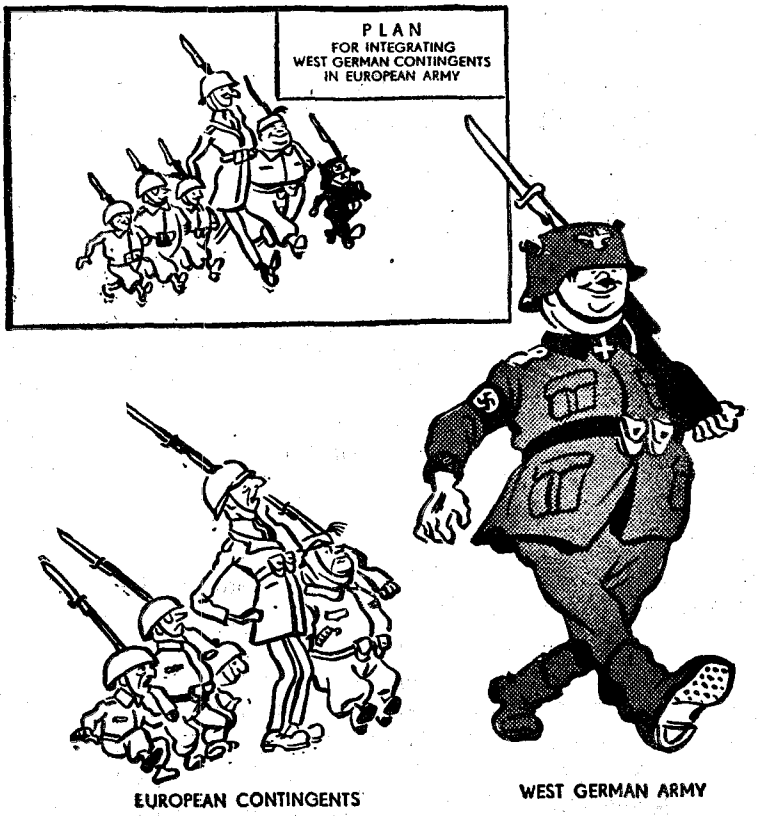
The West German Supreme Court, like the American, is the appointed guardian of the constitutionality of legislation, and this by-passing of it was regarded by the opposition as a heavy blow against democracy. President Heuss ratified the protocol of February 26 on March 30.

This protocol not only authorizes an unlimited number of German divisions for E. D. C. It empowers the government to create if necessary an independent German army unconnected with E. D. C. François-Poncet, the French High Commissioner, presented the French objections to Bonn. Bonn reacted by naively claiming to be the injured party: "The Western powers ask us for German divisions and when we satisfy their wishes, they protest." Paris tried to induce London and Washington to support it, but Bonn has the ear of Washington and Paris had to yield.

The Socialist group in the Bonn Parliament has just challenged the government to explain the fact that dozens of Social Democratic workers, affiliated with anti-Communist unions, have been summarily dismissed from German factories and shipyards under contract to American authorities, merely because the Americans view their presence in these enterprises as a risk.

A prominent West German politician, Reinhold Maier, addressing a student audience at Stuttgart on March 5, painted a bitter picture of the situation in West Germany. Maier is a bourgeois democrat of conservative tendencies, but he is opposed to Adenauer. He said: "The general political aspect of West Germany is alarming. Parliament has already slipped down a stage. Ruler number 1 is the Adenauer government. Ruler number 2 is the high bureaucracy. Parliament has been deprived of its power, and the new army will be Ruler number 3. But the army will not be satisfied with third place for long: it will soon move forward to first place."

Neo-Nazism will not come to power in West Germany, however many ex-Nazi officials strut the political stage. Nazi Germany will not return, but the militarist, imperialist Germany of 1914 and 1938 is rapidly coming back. The generals and industrial barons who led Germany into two world wars are gaining more and more power, and remilitarization will put them in the saddle.



Who Is Integrating Whom?—a French View

CAROLUS is the pseudonym of The Nation's *West German correspondent.*

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Adenauer's official trip to Athens, Istanbul, and Rome calls up some unpleasant memories. "From Berlin to Bagdad" could easily become "From Bonn to Bagdad."

The future German general staff is meanwhile busying itself with its plans for a German army, navy, and air force. It has a large staff of former German officers and is in close contact with the Western occupation authorities—especially the American. Only one touch of bitterness mars its otherwise complete happiness—the delay in the French ratification of E. D. C. But Dr. Adenauer and his government are determined to carry out their plans, without or even against France if necessary. As the Bonn *Rundschau,* Dr. Adenauer's mouthpiece, put it in its issue of March 15, in words reminiscent of the barracks, "We must make the French get a move on." The Cologne *Rundschau* thunders that France must be confronted with the less pleasant alternative of a "naked German-American alliance"; then it will see in E. D. C. a lesser evil and ratify it promptly. Another voice, that of the *Frankfurter Allgemeine Zeitung,* which is not always pleasing to Dr. Adenauer, advises the Anglo-Saxon powers to permit the creation of German divisions in their occupation zones, so that France will have to follow their example in order not to become isolated.

France's freedom of movement is so limited by its need of American aid and by the demands of the war in Indo-China that the Bonn government can permit itself the luxury of such language. But while Bonn cracks the whip with its right hand, it dangles with its left a juicy carrot before the French nose—the Saar. If Henry IV thought Paris worth a mass, the German bourgeoisie, raised once more to economic power, is prepared to pay almost any price for an army. This means, in the east, renouncing German unity and, in the west, "Europeanization" of the Saar, which is but another word for its territorial separation from Germany. With the Saar as bait the Laniel-Bidault government hopes to win the approval of the French National Assembly for E. D. C. and the remilitarization of Germany.

Socrates maintained that everything reasonable was also moral. This proposed horse trade is both unreasonable and immoral; and it is likely to be disastrous for Europe and the world. The Saar, with its 100 per cent German population, would only become another Alsace-Lorraine, poisoning relations between France and Germany. With the Saar as a bleeding wound on the body of Germany, no real German-French understanding would be possible, let alone a Little Europe, united under Western auspices.

It is in this context that the position of the Socialists in Germany must be judged. No one has expressed this position better than the leader of the party, Erich Ollenauer, who told a wildly applauding Frankfurt audience on March 29: "The fight of the Western world for democracy and freedom against communism cannot be conducted by the methods of McCarthy and of Franco Spain. . . . A divided Germany is symbolic of a divided Europe and a divided world. The peace of the world and the unification of Germany cannot be won in an atomic war but by peaceful negotiation at the conference table."

JAPAN REVISITED

The Rightward Trends . . *by W. Macmahon Ball*

Tokyo, Japan

DURING this visit to Japan I have been particularly eager to find out how the land-reform program is faring. It has sometimes been described as the most important democratic reform introduced by the occupation. I was able to inspect some typical farming areas and to talk to the farmers and the officials of farmers' cooperatives. I was also given generous information by economists and agricultural scientists.

I am afraid the land reform has not really made much difference in the lot of the country people. When, between 1947 and 1950, some millions of tenants were enabled to become the owners of the fields they cultivated, they rejoiced greatly. But since then they have learned that possessing the legal title to their land does not in itself make the land produce any more. And the most important fact about Japan, the fact that creates the basic problem from which nearly all other problems stem, is that there are too many Japanese—too many, that is, to make a living from the natural resources of their country, however hard or skilfully they work. Unless they are able to export their skill and labor in the form of manufactured goods, they must die. It was reported in the Japanese press that when Mr. Nixon, the American Vice-President, was in a rural area during his visit, a farmer welcomed him and told him how much he hoped America would help Japan. Yes, of course America would help, Mr. Nixon assured him. "What shall I do, then, with my two younger sons, since the farm is too small to sustain my eldest son and me?" Mr. Nixon thought for a moment and then hit on the solution. "Ah, get them to join the National Safety Force." It is in this fashion, as in the past, that Japan's new army is being recruited.

It is true that the net rate of increase in Japan's population has been falling slightly since 1948. The birth rate is now down to less than 25 per 1,000, the lowest in Japan's history. But at the same time the death rate has been better than

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halved in the last twenty years. The reduction in the death rate has been most rapid in the last five years, owing in large part to what the Japanese learned during the occupation about American methods of public health and also to the general availability since the war of the new life-saving drugs. It is reasonable to expect that the birth rate will continue to fall, since a good deal of publicity is now being given to the need for family limitation, and a large proportion of city dwellers are now deliberately adopting birth-control methods—it is much harder to get the rural population to limit their families. But whatever the long-term trend, the population pressure will be very acute over the next twenty years.

It would be wrong, however, to conclude that the land reform has produced no results. It has abolished, at least for the time being, the absentee landlord and eased the economic circumstances of those cultivators who have remained tenants. Its main political effect seems to have been to strengthen the conservatism of the farmers. Even though the tenants who have become owners are no better off than before, they have developed a strong sense of private property and are deeply opposed to any proposals for collective farming.

IN THESE circumstances I think it unlikely that the left can win an electoral majority for many years. As I mentioned in my first article, the Left Socialists seem to be the opposition party with the best prospects. In the elections for the House of Representatives in October, 1952, they increased the number of their seats from sixteen to fifty-four. In the April, 1953, elections they obtained seventy-two seats. But at these elections the Left Socialists relied very heavily on the support of the Sohyo, the General Council of Trade Unions, which has a membership of three and a half million. During the last six months the party's relations with the Sohyo have become strained. The Left Socialists make the building of a "third force" in Asia the central feature of their foreign policy. The Sohyo rejects this aim. Its radical leadership wants close and friendly relations with Russia and Communist China.

It is hard to assess the present strength or the future prospects of the Communists inasmuch as since 1950 they have been forced to work mainly underground. Though the party is legally tolerated, many of its leaders have been jailed and others are in hiding. If, as seems more than possible, there is acute economic hardship in the next few years, with consequent social stresses and strains, the Communists will get their big opportunity. However, the Japanese government, which is not likely to underestimate the strength of the Communists, puts the total membership of the party—including the secret membership—at only 100,000. In the last two general elections the Communist vote dropped sharply to less than 2 per cent.

My own view is that an acute economic depression is much more likely to produce a victory for the extreme right than for the extreme left. This is partly because the powerful conservative forces, now showing considerable moderation, would in a crisis back the right extremists against the left, and partly because the expansion of the armed forces will so greatly strengthen the militarists. The story is being told in Tokyo that an American official, trying to overcome Mr. Yoshida's reluctance to rearm, explained to him that there would be no danger of renewing the army's political power since under the new constitution the civilians would control the generals. "But how would that happen," asked the puzzled Premier, "the generals would have the guns, wouldn't they?"

Prime Minister Yoshida

There is still the chance that the present trend to authoritarianism may be checked and kept within bounds, not by the overthrow of conservative governments, but by the restraints imposed on them by public opinion. Public opinion is still a real political force for which the government must show some measure of respect. The freedom of the press is supremely important. If this freedom can be protected, there is still some hope of restoring political freedoms and extending social reforms.

WHETHER Japan swings back to a militarist police state or takes the long hard road to the establishment of the people's freedom and welfare will depend not only on the Japanese. It will depend much more on what other nations do about Japan. Japan has to import 20 per cent of its food and nearly 90 per cent of the raw materials for its factories. To pay its own way and maintain the living standards of 1934-37 it needs to export about two and a half times more in value than it has been able to export in the last few years. Hence Japan depends in quite an exceptional degree on overseas trade. Any nation that is prepared to trade with it on reasonable terms is helping to avert the sort of economic collapse that will, in my view, accentuate domestic tensions to the point where extreme nationalists and militarists are likely to take over. I do not believe that a dictatorship by the extreme right would be less dangerous to the West and the other nations of Southeast Asia than a dictatorship of the extreme left.

I doubt whether the West is fully aware of this danger. The agreement recently signed between the American and Japanese governments shows little appreciation of the actual political situation in Japan. While the sale of surplus American wheat and barley will be very useful in meeting Japan's immediate food needs, it does nothing to help put Japan's economy on a more stable basis. The United States' promise to use a large part of the proceeds from these grain sales for purchases in Japan does not provide any stable or assured market for Japan's industries. And the fact that this economic help is made conditional on Japan's undertaking to build up its three armed services and on its acceptance of the main financial responsibility for their expansion makes many Japanese feel that the whole agreement tends to weaken rather than to strengthen Japan's economy.

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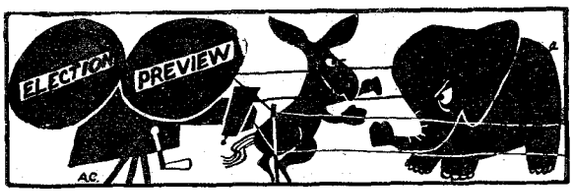

In the Graham Tradition

Charlotte, N. C.

WHEN Dr. Frank P. Graham was appointed to the United States Senate in 1949 on the death of North Carolina's junior Senator, J. Melville Broughton, the Associated Press said: "Something new in the way of Southern Senators has arrived on the Washington scene." That observation may well be repeated if the man who appointed Graham, former Governor W. Kerr Scott, wins the Democratic nomination for Senator in the May 29 primary, against the incumbent Alton Lennon.

In one sense the contest between Scott and Lennon is a continuation of the furious struggle of 1950 between Dr. Graham and the late Senator Willis Smith. Scott considers himself Franklin D. Roosevelt's legacy to North Carolina, and his attempt to unseat the conservative Senator Lennon will serve as a barometer of New and Fair Deal sentiment in the state. In this connection it is worth while to recall the facts of the previous campaign.

Dr. Graham, who as president of the University of North Carolina had for twenty years been assailed for his association with progressive social and political movements, had a lead of 50,000 votes in the first primary—only 5,000 votes short of a clear majority over his three opponents. The runner-up, Willis Smith, a corporation lawyer of Raleigh, called for a second vote and eventually swamped the famous Southern liberal.

The Smith forces discarded all legitimate issues and relied entirely on "socialism" and anti-Negro feeling. They distributed circulars giving the voting records of Negro districts in the first primary under the heading "Negro Bloc Voting for Graham." They flooded the state with reprints of a paragraph from John Flynn's book, "The Road Ahead," which attempted to link Dr. Graham with "leftist organizations" and "socialized medicine." But their *pièce de résistance* was a handbill which was scattered on front lawns and porches and stuffed into mail-boxes. It bore the picture of a young Negro, one Leroy Jones, whom Dr. Graham had appointed, after competitive examinations, as one of four alternates to West Point, and the caption: "North Carolina's Gift to West Point—by Senator Graham."

When the campaign was over, Governor Scott said to the press, "This campaign has set our state back twenty-five years." Later, in a Labor Day speech before the North Carolina Federation of Labor, Scott chided the delegates: "You folks were taken in by the racial bigots; you turned down the man who stood to do more for us, the common people, than any man in our generation." When the Negro delegates rose to applaud, Scott turned to their benches and demanded: "What are the Negro brethren clapping so hard about? There was no 'black' or 'white' in this campaign; it was mostly 'yellow'—you have 400,000 votes, but less than 150,000 of you came out; you've got nothing to clap about." (North Carolina has no poll tax.)

About ten months ago Senator Smith died, and Scott's successor, Governor William B. Umstead, appointed the young Wilmington lawyer, Alton Lennon, who announced at once that he would seek the full term. Scott formally entered the race on February 6.

W. Kerr Scott is a prosperous dairy farmer of Haw River, in the eastern part of the state. He won the governorship in 1948, defeating against all precedent the county-courthouse organizations and the powerful state machine. Then, with the political air growing thick against "spending," Scott proposed, stumped for, and won a $200,000,000 bond issue for road and school improvements. His subsequent appointment of Dr. Graham was not the last surprise of his administration. When he took office he found $90,000,000 of state funds not needed for day-to-day operations, plus $80,000,000 labeled "surplus" which had accumulated since 1940. Three months later there was no surplus. Scott had got the General Assembly to appropriate the money to finance a building program. By the end of his term he had completed 90 per cent of the program, and could leave his successor a new surplus of $40,000,000 and a credit rating for North Carolina second to none in the United States.

But even with his record as a great governor and his support from "organized labor" and farmers, Scott knows he is in for a tough fight. Senator Lennon is handsome and aggressive and will have the support of the governor who appointed him, of the entire state political machinery, and of most of the regular county organizations. The big contributors will be for him, and with heavy campaign costs for radio and television this can be an important factor. As for his record—in eighteen of the first twenty roll calls he answered in the United States Senate, he voted with North Carolina's senior Senator, the courtly, ultra-conservative Clyde Hoey. In the other two roll calls he voted to the right of Senator Hoey.

While North Carolina gave Adlai Stevenson his largest single bloc of electoral votes, President Eisenhower polled 47 per cent of the total vote, and the Tenth District (Charlotte) elected a Republican Congressman. But the growing disappointment with the Eisenhower Administration in the industrial areas and among the tobacco and peanut farmers will work to Scott's advantage. He is a campaigner who likes to draw the lines very clearly. As part of his campaign equipment he carries a dozen plugs of his favorite tobacco: "I'm going to pass out lots of chewing tobacco around the country so everybody can get wormed out good; they'll need it to take the next few Republican years."

When a reporter, in an obvious reference to the kind of campaign waged against Graham in 1950, asked him whether he (Scott) was preparing himself for "the hot stuff," the rough-hewn farmer from Haw River smiled and said, "I'll take care of it, son; remember I'm not as good a Christian as Graham."

HARRY L. GOLDEN

[*Mr. Golden is a North Carolina newspaperman who contributes to many national publications.*]

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BOOKS

The Polyhistor of Economics

HISTORY OF ECONOMIC ANALYSIS. By Joseph A. Schumpeter. Oxford University Press. $17.50.

By Robert L. Heilbroner

JOSEPH ALOIS SCHUMPETER, who died at Taconic, Connecticut, in 1950, was one of the greatest economists of our, and perhaps any, time. He was also one of the most perplexing, and—in an age when most thinkers fall into convenient ideological slots—one of the most difficult to classify.

Schumpeter had the temperament of an aristocrat but the mind of a radical. He preferred conservatives to liberals, Marxists to conservatives, and econometrists to anybody else; yet with only contempt for most liberal programs, he disagreed with the usual conservative outlook and had no truck with Marxist diagnoses. And while he admired the work of the "pure" econometrist, his own profoundly gloomy prognosis for capitalism rested primarily on "impure" sociological observations: he saw capitalism dying of a kind of boredom, fated for obsolescence by the increasing indifference of its capitalist enterprisers.

With this unusual schedule of preferences no wonder that Schumpeter never founded a "school"—his point of view was too unique to be susceptible of wide dissemination or easy acceptance. Then, too, his fame in later years, when he taught at Harvard, was dimmed by his own luster in his youth. When he was thirty he had already revolutionized economic theory with a new conception of business cycles and economic growth and had dumbfounded the older generation by a dazzling essay on the history of economic doctrines ("He was never a beginner," his teacher had said of him). Hence his later huge two-volume work on business cycles seemed like an echo from the past, earning more respect than attention, and the work on economic doctrines which occupied him at the time of his death was anticipated with scholarly interest but hardly with impatience.

It is this last work, not quite complete despite its 1,200 pages, which has posthumously appeared, put together from 2,000 pages of typescript, from notes, scribbles, and shorthand memos by his late wife, Elizabeth Boody Schumpeter. A massive, indeed Brobdignagian feat, it will not rescue Schumpeter from popular oblivion, but it will serve to remind the professionals of the stature of the man who wrote it.

GREAT histories of economics are few, for not only would the treatises of economics fill a library by themselves but the range of ideas which they cover would strain any but an encyclopedic mind. Schumpeter's is a great history, combining a wealth of research that would do credit to ten men with a breadth of understanding that only very few can achieve. There are over a thousand names in the text—many of them obscure even to the professional. There are brilliant biographical footnotes, references to art, religion, physical science, sociology, anthropology, history, excursions into the theory of knowledge, digressions to explain how economics was taught in the past. Furthermore, one has the feeling in going through this Uffizi Gallery of economists that Schumpeter has not merely noted the names of artists; he has stopped to look at each of the pictures, and he has formed his judgments without regard to what the relevant Baedeker had to say.

The book is certainly heavy going. It assumes—it demands—a thorough knowledge of economics. For this is not a mere packaging of what this or that economist said. It is a history of *economic analysis,* as opposed to economic doctrine or policy. The author's interest is not so much in the texts of the great and not so great economists as in their formal approach, their kit of tools, their intellectual preconceptions and logical consistency.

Virtually everyone who ever had anything of interest to say on economics, from Graeco-Roman times to Keynes—where the manuscript breaks off, unfinished—is here, but the reader who hopes to find "what Adam Smith said" will be due for disappointment. Instead, he will find *how* Adam Smith thought, including such delightful passages as this:

> His [Adam Smith's] very limitations made for success. Had he been more brilliant he would not have been taken so seriously. Had he dug more deeply . . . he would not have been understood. But he had no such ambitions; in fact, he disliked whatever went beyond plain common sense. He never moved above the heads of even the dullest readers. . . . While the professional of his time found enough to command his intellectual respect, the "educated reader" was able to assure himself that, yes, this was so, he too had always thought so; while Smith taxed his reader's patience . . . he did not tax his reasoning power.

Most of the book is on a far more difficult level than the foregoing. It searches for origins and elucidates details instead of expounding the well-known and the obvious. Yet even the non-professional will enjoy the background sections scattered in profusion through the book, such as What Economists Thought They Were Doing; What Mill's Readers Really Got; The Institutional Frame of the Economic Process; Romanticism and Historiography.

BUT FOR readers at any level, it is the flavor of Schumpeter himself which gives the work its charm—for with all its bulk it does have charm. His personality, far from retiring behind a spurious "objectivity," colors every page; his evaluation of economists constantly surprises and reeducates the reader. Some of the towering figures, such as Ricardo, get an oddly disrespectful treatment; some of the minor heretics, such as Henry George, get a sympathetic and by no means condescending nod.

Schumpeter's flavor is in part conveyed by his vocabulary and style. His favorite words, like his favorite economists, tend to be obscure: "polyhistor" (a man of encyclopedic learning) is one. And his style, while it runs at times to the prolix and even the pompous, is the style *of* a polyhistor. With its darting footnotes, its endless ramifications, its little asides and musings, it is a

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curious mixture of authority and humility, or as close to the latter as Schumpeter could come. Indeed, the entire colossal structure, somewhat disorganized, repetitive, at one moment examined through a microscope and at the next with a telescope, is Schumpeter in the essence.

A final note on the tone of the work. As Schumpeter himself would have been the first to agree, this is not, and does not pretend to be, an unbiased book. Yet the bias is a singularly hard one to isolate. Nothing delights Schumpeter more than to demonstrate the absurdity of "explaining" a man's thinking by reference to his economic position or even his interests. But Schumpeter's own bias results from what is perhaps an excessive regard for intellectual performance for intellectual performance's sake. Even a discipline so rigorous as economic analysis cannot be entirely divorced from the social considerations that surround it, but one has the sense now and then that Schumpeter has no patience with anything that is not mathematically demonstrable. In view of Schumpeter's own highly emotional orientation toward capitalism, this is ironical at the very least.

But while the book may aggravate as much as it exhilarates, no one can read it without respect for its author. In a footnote on Darwin, Schumpeter wrote these lines which might perhaps be applied to himself: "In everything he did, that man was a living and walking compliment to himself and also to the economic and cultural system that produced him—a point recommended to the reader whenever he feels like ruminating on the civilization of capitalism."

Portrait of a Mind

BOTTLE IN THE SEA. By Albert Guérard. Harvard University Press. $3.50.

By Joseph Wood Krutch

READERS of *The Nation* have long been familiar with the general temper of Mr. Guérard's mind. Many of his political and social convictions are those which most such readers probably share. But it has never been truer than it is today that what a man believes is sometimes less important than the way in which he believes it. Here in 160 pellucid pages Mr. Guérard gives both the portrait and the history of his mind. And though there are a few of his conclusions with which I do not happen to agree, there is no point at which I do not admire the way in which he arrives at them.

Unfortunately most people fall into one of two classes: either they have learned nothing from the past or they have learned nothing since. Because Mr. Guérard transcends these categories he is wise. Few have ever absorbed so completely what the Enlightenment had to teach. Few who have absorbed it have ever gone on from there.

For him as for most of us who begin where he begins, the first problem is that of the limits of rationality. If we believe that it has none, then we are pretty certain to end up as positivists for whom the whole universe of art is nonsense, the whole realm of morals a fiction, and some form of totalitarian dictatorship the only rational form of government. If, on the other hand, we dismiss too completely all the pretensions of rationality and bow too low before "the dark gods" we end no less surely in one of those cults of unreason which include surrealism in art and the insaner forms of nationalism in politics. The second problem, concerned with the meaning and use of doubt, is no less pressing. Not to be skeptical is to be unable to reason upon any except the most conventionally accepted premises. To make no choice and to take no action because we can never be sure of anything is to submit to complete paralysis.

It is around these two problems that Mr. Guérard's book turns, and it is because his solution of—or rather his attitude toward—them is in the great tradition of what we still have to call humanism that he is able to escape both the dogmatic naivete of a usual sort of "liberal" and the indifference of one kind of skeptic. Neither morals in the broadest sense nor even art can be reduced to the terms of logic. To say that the universe is nothing but what we can

JOSEPH WOOD KRUTCH, author and critic, has just brought out a new book, "The Measure of Man."

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A LITERARY FEAST FOR THE LITERATE READERS OF THE NATION.

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understand about it is blindness and folly. Yet reason, inadequate as it is, is the only instrument we can use, and only in so far as we do use it can we accomplish anything. As Pascal said, "Man is but a reed, the frailest in nature; but he is a thinking reed." And as Mr. Guérard adds, "The man who has the courage to reflect creates a little zone of light in the all-pervading murk." True wisdom consists in living as completely as possible within the zone of light without denying the existence of the murk which surrounds it.

To reconcile an all-inclusive skepticism with both individual action and that kind of partisanship which it is now fashionable to call "commitment" is an even harder task. Mr. Guérard accomplishes it not by setting theoretical limits to his skepticism but by admitting the necessity for action on the basis of whatever seems the most likely hypothesis. And because he does not believe in an omnipotent God but does believe in what he picturesquely calls "a fighting God" he has no difficulty in taking sides or in professing a skepticism which challenges rather than a skepticism which merely shrugs.

To me it seems that liberalism was born out of such convictions as those here expressed and that it would be less likely to turn into that something different which it is threatening to become if liberals were more often reminded what its genuine first principles are. Mr. Guérard is the kind of rationalist and the kind of skeptic from whom good may still come.

New Books in Brief

Japan's Family Trusts

ZAIBATSU DISSOLUTION IN JAPAN. By T. A. Bisson. University of California. $5.

A superb blow-by-blow account of the American campaign to dissolve Japan's gigantic and nearly omnipotent family trusts, and the reasons why this effort failed. Much less well known than the great Ruhr trusts, the *Zaibatsu* ran most of Japan's pre-war and wartime economy, shaped its expansionist policy, and played hand in glove with the army. Thus even before the war ended, Washington made the dissolution of the combines one of the prime goals of its policy for Japan. Mr. Bisson, who served on General MacArthur's staff and is America's top-ranking authority on the subject, shows how Washington's directives were—or were not—implemented. The *Zaibatsu*, in fact, survived the storm well. Nine years after defeat they are back in power. Their shares, which the United States sought to distribute among the general public, are again concentrated in a few hands. The old monopolistic practices and unconscionable profiteering have been revived. The government is candidly pro-*Zaibatsu*, and in the new climate of nationalism the combines are enjoying an unaccustomed public esteem as victims of alien conquerors. While the occupation has created some countervailing influences, such as the Social Democratic Party and the trade unions, none of these, in the author's opinion, are strong enough to arrest the *Zaibatsu* steam-roller. The combines could have been curbed had the United States tried to place political power in new hands. It never seriously did, and as a result the *Zaibatsu* remain at the top of a pyramid that is not very different from the pre-war structure. The book is a lucid and thoughtful job of research and analysis, and will remain indispensable to the understanding of contemporary Japan until such day as the secret archives of Japan, Washington, and General MacArthur are available for study.

In the Forbidden City

SEVEN YEARS IN TIBET. By Heinrich Harrer. Translated by Richard Graves. Dutton. $5.

An Austrian soldier, interned in India during the war, escaped from his prison camp and made his way, with incredible hardship, to Lhasa, where he lived until the Chinese invasion of 1950. This is the story, simply and vividly told, of his escape, his journey, and his life in the Forbidden City. It was only by luck and by fortitude that Harrer and his companion were able to evade all attempts to stop them as they made their slow, determined way to their goal. Posing as pilgrims, clad in filthy rags, freezing, starving, dodging bandits and tricking officials, they crossed the high mountains and barren plateau on foot and by yak until at last they saw across the plain the Potala, fabulous palace of the Dalai Lama. Once within the sacred city they had no further difficulty, for the fun-loving Tibetan aristocracy, delighted with the ruses by which they had deceived the officials who had been sent to deport them, fed, clothed, and lodged them, and gave them the freedom of the strange medieval city. Eventually Harrer was even admitted to the Potala and made tutor to the Dalai Lama, a charming and precocious youth of fourteen.

Sailors and Indians

JEMMY BUTTON. By Benjamin Subercaseaux. Translated from the Spanish by Mary and Fred Del Villar. Macmillan. $4.

OUR BROTHER THE SUN. By Basil Burwell. Hermitage House. $3.75.

These two novels, divergent in style and method, deal with revolutions that failed. Señor Subercaseaux is concerned with a moral revolution from above—the attempt of a benevolent British captain to introduce four natives of Tierra del Fuego to the advantages of 1833 English civilization. Mr. Burwell recounts the events of a political revolution in an imaginary "sister republic of Peru" in 1867.

But while Jemmy Button and his three fellows are savages, the Indians of "Our Brother the Sun" are the heirs of Inca civilization, degraded and enslaved by three hundred years of oppression. The Fuegans—so far as they are articulate—want to stay as they are; the Incas want to resurrect their destroyed society. In both cases the catalytic agent is a sailor: in the one, Captain Fitz-Roy of HMS Beagle; in the other, Cleon Brown, a New Englander, tormented by the problem of non-resistance to evil. Fitz-Roy, a conventional Christian, is disappointed and disgusted at the failure of his protégés to adjust to the England of William IV; Brown, right up to the end, is never certain that the enraged Indians are wrong in using force or that he is right to see the revolution lost rather than to approve of violence.

"Our Brother the Sun" is confessedly a romantic novel; it has both the flamboyance and the virtues of its genre.

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"Jemmy Button" is less extravagant and, in translation at least, less entertaining. Not that all its peculiarities can be laid to the language change; the seamen of the Royal Navy not only talk but act as no English sailor ever talked or acted. If Mr. Burwell's Indians and Creoles seem more credible than the Englishmen in "Jemmy Button," the latter, despite their grotesqueries, seem to have hidden reserves not revealed by the characters in "Our Brother the Sun."

Three Great Painters

TOULOUSE-LAUTREC. By Hans Tietze. *EL GRECO.* By Stuart Preston. *VAN GOGH.* By Frederick S. Wight. The Beechhurst Press. $4.75 each.

These three monographs, identical in form, differ considerably in substance. Each runs to about thirty pages of text and contains some fifty good-sized plates, twelve of them in color of adequate quality. Unfortunately, the publishers have followed a new trend in art books, using coated stock of high gloss throughout. Its glare, considerably exceeding that of the National Geographic Magazine, makes reading difficult and also provides excessive contrast to the color plates, which are printed directly on the page. Fortunately, however, their intensity has not been stepped up artificially.

All three texts are well written, but only the Tietze essay on Toulouse-Lautrec can claim to be original. Cutting beneath the surface of biography, it achieves an imaginative interpretation. Tietze insists on Lautrec's aristocracy as a dominant attitude. He offers the interesting notion that his disinclination toward the Impressionists was due in part to their bourgeois flavor both as artists and as men. On the other hand, Lautrec was drawn to Degas and Manet, aristocrats by taste if not by birth. Tietze successfully demolishes both the moral and the immoral view of Lautrec's art. The artist is presented as a kind of anthropologist in the "wildlife preserve" of Montmartre. Among many observations new to this reviewer are Lautrec's connection with the horse painter John Lewis Brown, his debt to Raffaelli for the use of cardboard as a painting ground, and the influence of Vuillard's "intimism" in the early 1880's.

Preston's essay on El Greco is enlivened by copious literary and historical references. It provides a competent summary of what is known about El Greco's development to the extent that this can be studied in fifty examples. Since an early version of the Cleansing of the Temple, now in Minneapolis, is the major example offered of El Greco's Italian period, it is unfortunate no mention is made that the four portraits in the lower right-hand corner (Titian, Michelangelo, Clovio, and perhaps Raphael) have been sewn into the canvas, particularly since the seams are visible in the reproduction. While this fact does not preclude their execution by El Greco, it raises some doubts and may help to explain what Preston himself calls an "inappropriate" filling of the corner. Moreover, there is a discrepancy between the text, which dates this picture about 1570, before El Greco left Venice, and the caption on the plate, which dates it 1572-74 and therefore suggests it was painted in Rome. A very similar version exists without the portraits; thus all argument from their inclusion is doubly hazardous.

I found no flaws in Wight's brisk essay on Van Gogh. Nor did I find anything not available in other good books on him. To the reader who cannot afford Schapiro's volume and who cannot locate Nordenfalk's, this will serve as a sympathetic introduction.

Whither the Warriors?

THE CENTURY OF TOTAL WAR. By Raymond Aron. Doubleday. $5.

Raymond Aron, pre-war professor, war-time editor of *La France Libre* in London, and post-war editor of *Combat* and commentator for *Le Figaro,* here offers us his shrewd reflections on war in our time. His essays, in the best French manner, are neither history nor social science but a bit of both, highly seasoned with a piquant sauce of ideological analysis. His argument is that "the dynamism of hyperbolic war" under twentieth-century conditions leads logically to strategic bombing, deportations, guerrillas, terrorism, the police state, and an unpredictable and uncontrollable multiplication of violence until all is lost, including the purposes of the war, the faith of the fighters, and the very prospects of survival of the warring societies. His plea is for limited war. His anti-Marxist, pro-American, and anti-neutralist predilections preclude a

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plea for peace or coexistence. He demolishes communism anew and vindicates United States policy anew, obviously without weakening the former or resolving the contradictions of the latter. His message is not original. But it is well put and will stimulate some useful rethinking among those who like this type of intellectual cuisine.

"BG's" Philosophy

REBIRTH AND DESTINY OF ISRAEL. By David Ben Gurion. Edited and Translated from the Hebrew under the Supervision of Mordekhai Nurock. Philosophical Library. $10.

This is a collection of essays and speeches spanning the period 1915-52 by the redoubtable first Prime Minister and Minister of Defense of Israel, now in temporary retirement and working in a collective settlement in the Negev. The volume would have benefited by better editing. The reader is given little or no indication of the special circumstances under which "BG" wrote or delivered these essays and addresses. None the less, the book is of value to the student because it presents for the first time the philosophy of Israel's great practical leader; while the late Dr. Chaim Weizmann played his unique role on the international stage, BG remained the immovable rallying point of Zionist labors on the home front.

These pages reveal that BG, though a pioneer, is also a visionary: one begins to understand why he was able to lead his people and maintain his preeminence through the years, first as chairman of the Jewish Agency for Palestine under the Mandate, later as Prime Minister. He is labor leader and teacher of the young, farmer and soldier, pleader of the Zionist cause before international committees, an intellectual among intellectuals, a stubborn townsman among equally stubborn townsfolk. BG's thesis—that land becomes state, people become nation, through work, sweat, and devotion to the land, not through political fiat—is repeatedly stressed, although he does not underestimate the importance of the political struggle. His subject matter embraces the role of youth, the military, terrorism, sacrifice, revolutions. Most controversial is his interpretation of the relationship between American Jews and Israel. Here one sees the background of his recent dictum, which still agitates Zionist circles here and abroad—that a Zionist is a person who comes to Israel to live.

Second Look at Korea

SUBSTITUTE FOR VICTORY. By John Dille. Doubleday. $3.

A brisk, naive, honest, irreverent, and often useful book by a young *Life* correspondent who spent two years in Korea and adjacent countries. The book can serve as an answer to the professional Republican patriots who now charge that it was the treasonable Democrats who got the United States into the Korean war. Dille's argument is that the war was "a good war" in that it served to block aggression, and that the truce was a good one in that there were "sound and compelling military reasons" for ending the bloodletting. The title itself is an answer to General MacArthur's famous, and not necessarily profound, dictum that "there is no substitute for victory."

In showing that there *is* a substitute Mr. Dille comes up with some fascinating tidbits, not all of which one recalls seeing in *Life*. The Chinese, for instance, are described by him as "possibly the craftiest opponent we had ever encountered," and he has high opinion of their skill with weapons. He feels Red China's intervention in the war was as logical as would have been our own if comparable events had occurred in Mexico. He has some sharp comments to make on General MacArthur's failure to recognize the possibility of China's intervention, and on his rashness in dividing his forces between two commanders (with General Walker unable to control "a sort of private MacArthur army" under General Almond). As a reply to G. O. P. strategists, Mr. Dille passes on the view of an air-force general that *militarily* it would have been nonsensical to bomb the Red bases across the Yalu. Mr. Dille also makes journalistic history by asserting that "with the exception of several outbursts of savage Oriental cruelty in the early days of the war . . . the Communists treated most of our prisoners about as well as they treated their own soldiers." Those who want a sober second look at Korea, Japan, and Formosa might find here a field full of factual nuggets.

International Education

THE WORLD'S GOOD. By Carleton Washburne. John Day. $4.

It has been said that the test of this age will be the change from a national to an international order. The role of education in this transition is discussed by Carleton Washburne in his new semi-popular book, "The World's Good." Dr. Washburne, a leader in national and international education, conceives of the long-range goal of international education as a realization of men's interdependence, of the necessity for understanding and cooperating with people of diverse cultures, ideologies, and politico-economic systems, plus wisdom and skill in human relations to implement this realization. This is no small order. Washburne states the problems simply, brushes aside complications, and frequently seems unconcerned with the many obstacles in the path of achievement.

"The World's Good" can be divided into three sections. In the first, which includes discussion of war, patriotism, world-wide interdependence, ideological conflict, and common humanity, Washburne states a liberal's viewpoint. He is opposed to war, favors cultural pluralism, is more concerned over imperialism of left or right than over a possible war between left and right. In other chapters, dealing with what schools are and what they can do in international education, he draws on his long experience to offer suggestions which should interest teachers and laymen alike. Yet he presents no evidence that the schools which carry out many of his suggestions succeed in educating world-minded citizens.

The book also includes thumb-nail descriptions of the United Nations and its specialized agencies. The author quotes liberally from published and unpublished documents and press releases. These chapters provide a handy review but would have been more valuable if Washburne had assessed the work of the U. N., UNESCO, and Technical Assistance by the criteria of a world-minded citizen.

"The World's Good" plows a new furrow in a relatively new field. Education has much to do to catch up with Dr. Washburne's ideas and can build upon what he has written.

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NUMBER 3

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Theater

Harold Clurman

IF "KING OF HEARTS," the new comedy by Jean Kerr and Eleanor Brooke (Lyceum Theater), achieves success, it will be because it contains some of the funniest lines to be heard on any New York stage today. If it should fail, it will be because of something discomfiting in it.

I was almost constantly amused by it. But toward the end of the first act I began to be reminded of an experience I had long ago on reading a play by the English humorist Saki. The Saki play was hilarious from first to last, with an incessant drive to mirth which became wearisome. One had the feeling that it could go on forever. There was no reason for it to end, and because of this one suspected there had been no reason for it to begin. But in watching the second act of "King of Hearts" I discovered that it was not like Saki's play at all: there is a point—even an edge—to the Kerr-Brooke comedy. I was not weary with the exhaustion of laughter; I was being made nervous by a strange element in the source of that laughter.

Some of the reviewers complained that the play's plot was not up to the brightness of its writing. The same thing might be said of "The Importance of Being Ernest." The plot of "King of Hearts" will do. If there is trouble here it lies in a motivation and an effect of which the authors may not be entirely conscious.

The play concerns Larry Larkin, an obnoxiously, almost maniacally narcissistic and egotistic success-boy who happens to be a comic-strip artist. He is a snob and he is heartless. He is as indefatigably energetic as a trip-hammer besides being as prolix as an unattended radio. He is publicity-crazy, all-devouringly selfish, obtuse, and, worst of all, a phony "humanitarian." Such men are not as exceptional as we would have them. The entertainment business, as well as the literary and journalistic world, offers innumerable examples of the breed. The authors do not merely poke fun at this very contemporary phenomenon; they really hate him. Their play is a kind of castration.

Contrasted to their horrid "hero" is a mild-mannered character who serves as the cartoonist's "ghost." He is sensible, gentle, shrewdly humorous. He can't become angry or get into a fight without getting sick at his stomach. When he feels the flow of venom within him he lies down to control his nausea. When asked why he does this he answers, "It gives me a psychological advantage."

I suppose many women are in a similar position in regard to their male companions. There is something feminine in the character of the cartoonist's assistant. It would probably make the authors of "King of Hearts" sick to express their exasperation directly. They do not, however, lie down. They spew jokes. This gives them *their* psychological advantage. They are so thoroughly effective at it that we begin to cringe beneath the punishment they inflict. We get the impression that it is not only Larry Larkin who is being slain but all men. We crave some kindness and warmth.

If the play were simply the lighthearted improvisation it seems, it would be foolish to go into all this. But Jean Kerr and Eleanor Brooke have a gift for more than froth. Concealed in this equivocal farce is a capacity for satire, which may develop when the authors' targets are given greater value and the thrusts aimed at them given more self-aware intention.

The production—directed by Walter F. Kerr—is in most respects a good one. Frederick Fox's wiry set is right. The casting is admirable. Jackie Cooper is fine not only in his comedy but in his honest suggestion of emotion. David Lewis's bearing and relaxed reading of sophisticated quips are exemplary. In the difficult role of the cartoonist, Donald Cook—whose technical proficiency deserves praise—suffers from adhering too closely to the literal line of the authors' writing. After all, he is playing a man who, no matter how abrasive his faults, is supposed to be a talented person. Beneath the chromium surface there must be some sensibility, some genuine humor, some real perception, a quality that endears him to a few people—his girl, for instance. Without this the play lacks contrast, so that the authors are made to seem as if they are doing nothing but sticking needles into a stage dummy. Everyone involved—playwrights, director, actor—is at fault here. A little mellowness would have helped, even if it had to be at the cost of the familiar Broadway briskness.

Music

B. H. Haggin

AT THE Metropolitan's final "Boris Godunov" Jerome Hines's Boris got the attention and applause that should have gone to Tibor Kozma's conducting. Hines's singing was superb; but his dramatic impersonation was largely external commotion and violence which evidently impressed the audience but did not, for me, produce the effect London and Siepi had produced with the quiet force of presence and projection that Hines did not have. As for Kozma, he conducted—in place of Stiedry—presumably with no rehearsal; and it was impressive to observe how with an expansively and sensitively flowing beat he held the orchestra together in his altered tempos, secured from it an integrated execution and tone that had not been heard in previous performances, and produced in the work a forward flow with a continuous tension that also had not been heard previously and that would have been sufficiently animating even without the generally faster pace and the nervous intensity. The amazing eight performances of "Boris" this year justify the hope that the Metropolitan will continue the work next year; the superb eighth performance leads one to hope that Kozma will continue to conduct it.

The New York City Opera opened its season with a revival of Strauss's "Salome," which always has seemed to me to contain his best dramatic music,

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except for the dreadful Dance of the Seven Veils. Listening again I was newly impressed by the power and beauty achieved much of the time by the enormously complex orchestral writing, but newly appalled by details as bad as the Dance in which the complexity gets to be a luxuriance out of control of artistic purpose or taste. Or as Ernest Bloch remarked once: "Debussy is like a painter who keeps looking for what he can take out; Strauss is like someone who fills every inch and then takes the paint he has left and throws it at the canvas."

In the City Center performance this orchestral writing was realized with magnificence and power under Rosenstock's direction; and Salome's cruelly taxing vocal part was sung superbly by Phyllis Curtin, with excellent singing also by Walter Cassel as Jochanaan and good singing by the others. But not often have I seen anyone placed so prominently on a professional stage who appeared so out of her element, so at a loss as Miss Curtin—for whom what to do with her arms, her legs, her body at each moment was an unending problen. solved with an unending awkwardness destructive to illusion and painful to watch. The Herodes of Ernest McChesney may have been all operatic cliché; but the operatic cliché represented a kind of professionalism that Miss Curtin's performance made one grateful for. Mary Kreste, as Herodias, was effective when she had something to say; but at other times she sat placidly as though thinking her own thoughts. Which brings me to Cassel's Jochanaan, the one impressive dramatic performance of the evening. The staging attributed to Leopold Sachse was improved this time by the cistern which the Condell set lacked in 1947; but it needs more than that.

As it happens Columbia has issued a recording of "Salome" which has the serious defect that the detail of the important orchestral part cannot be heard clearly with the singing. In addition the performance conducted by Moralt hasn't the breadth and power of the City Center performance or of the final scene recorded for Columbia a few years ago by Reiner with Welitch and the Metropolitan Opera Orchestra. Walburga Wegner's voice lacks sensuous beauty, but she sings Salome's music effectively; the tenor of Laszlo Szemere, the Herodes, is more engaging; the best singing is that of Josef Metternich, the Jochanaan. The orchestra is the Vienna Symphony.

A London Oiseau-Lyre contribution to operatic recording is John Blow's "Venus and Adonis," composed for the entertainment of Charles II, with words by the unknown librettist that are very entertaining today, and with charming music that is beautifully performed by a cast headed by Margaret Ritchie and instrumentalists under Anthony Lewis's direction.

Cetra has assembled on one record a number of Donizetti arias sung by Cesare Valletti—lovely ones from "Don Pasquale" and dull ones from "The Daughter of the Regiment" that he sings very beautifully; and two from L'Elisir d'Amore" that he sings in excessively mannered fashion.

London has issued a new recording by Gerard Souzay of Schumann's great "Dichterliebe" cycle to replace the one of two years ago. One immediately striking difference is the suitable prominence this time of the piano parts that couldn't be heard sufficiently the first time. In addition Jacqueline Bonneau plays them more effectively; and with Souzay's slower tempos and more continuously sustained phrasing the new performance *is* even finer than the earlier one. Regrettably, instead of the four Wolf songs on the earlier record there are now four by Schumann—the familiar and lovely "Der Nussbaum" and "Du bist wie eine Blume," the unfamiliar and boring "Geständnis" and "Der Sandmann." Regrettably, also, Souzay's beautiful voice is reproduced with distortion in the last song on the first side. And regrettably, as usual, the envelope offers information one can do without instead of the words of the songs that one needs.

The Rimsky-Korsakov versions of Musorgsky's "Songs and Dances of Death" are sung in French with moderate effectiveness by Heinz Rehfuss (London).

And I am sorry to have to say that Hindemith's revised "Das Marienleben," sung superbly by Jennie Tourel with Erich Itor Kahn (Columbia), doesn't have for me, as it has for him, a significance and stature commensurate with the elaborate creative procedure he describes as having produced it.

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[*Continued from inside front cover*]

cago, who wrote an article for the *American Student* concerning his observations about the university.

The name of the person who wrote this article is *not* Robert Anderson but Robert Andelson. It so happens that I am a student in the Federated Theological Schools (of which the Divinity School is a member) of the University of Chicago. But, obviously, I am not the person who contributed to the *American Student* nor do I wish to be associated with the type of thought and observation put forth by Mr. Andelson.

Chicago, Ill. ROBERT C. ANDERSON

Lesson of New Orleans

Dear Sirs: I write to you in protest against the recent three-day hearings in New Orleans conducted by a one-man subcommittee of the Senate Internal Security Committee.

As a friend and former colleague of Clifford J. Durr, I know him to be one of the finest, most sensitive, and most courageous human beings I ever met. He was for many years a devoted, loyal, brilliant public servant of absolute integrity. He has consistently sacrificed personal gain because he believes in the United States and desires to serve the American people. He deserves, and richly deserves, the highest honors this society can award.

The committee's treatment of him outraged every standard of American law and every tradition of fair play and human decency. This is, after all, not new. But it makes it imperative that Congress conduct a searching examination of the role of those professional informers and ex-Communists who seek to destroy the reputations and careers of men and women who have served this country.

One measure of the extent to which the American dream—once the hope of self-respecting men everywhere—has become tarnished is the present bankruptcy of leadership. It is time that men prepared themselves to sacrifice personal ambitions in order to set an example for those millions of voiceless Americans who are heartsick at the degradation of this society. In the words of John Jay Chapman, an American who did speak out, "Unless the spark of personal courage, personal feeling, falls from heaven into American hearts, we're in for a period of degrading slavery—we're really in it now."

Princeton, N. J. H. H. WILSON

Social Dissolvent

Dear Sirs: Even our more sapient liberals do not seem to have recognized that anti-communism is, in its utilization in this country, a social dissolvent. Its step-by-step development has been: horrific communism, identification and association with, softness toward, protection of, and finally the McCarthy extension to eggheads, and "twenty years of treason." In this phase no individual or group can survive except on sufferance of the McCarthyites.

We are not without historical experience in the use of social dissolvents. The Massachusetts Bay Colony theocracy protected itself against a rising opposition with the witchcraft hunt. It was used in that case to protect an existing political pattern. . . .

Our present anti-communism is more of the same but with a rather significant difference. Now, the waves lap around such names as Field, Lamont, Truman (no mean contributor himself), and the President, to say nothing of such usually sacred institutions as the State Department and the army. The waves do not recede. They are not even stopped. Instead, the manners and morals of Senator McCarthy are questioned while McCarthyism, and often its author, is excused and protected. Why?

The reason is that anti-communism as a social dissolvent is being used not in support of a beleaguered economic and social system but in an effort, with every indication of centralized direction, to change our political pattern into one which will conform to the needs and ease the fears of our dominant economic and social classes. Wealth in this country is now highly concentrated and under integrated management. The present system permits of raids on that wealth and its control in one form and another, and indeed such raids are being organized constantly—by trade unions, cooperatives, farm unions, graduated income taxation, dissident political parties. The list is endless, and all are booked and belled as communistic. Wealth has a feeling of insecurity, with evidences of panic. Therefore it promotes and protects McCarthy. And if it washes out McCarthy, it will be only because of his ineptitude and the fears he has created. Regardless of what may happen to McCarthy, the drive for government forms compatible with economic monopoly forms will go on and on, and its success will become inevitable with large-scale agricultural land ownership and the consequent decay and eradication of our town-meeting and county-government system.

Counter-measures are indicated plainly. First, sophistication as to the sacredness of private ownership of the means of production; second, judgment of persons and ideas on merit and logic and not by label; third, no more of the present egghead preface "I am not a Communist." The counter-measures may seem rough, but the penalty is rougher. American fascism, without even a social-program talking point, is hustling us into World War III and back to sticks and stones and broken bones.

Ogdensburg, N. Y. ARCHIE WRIGHT

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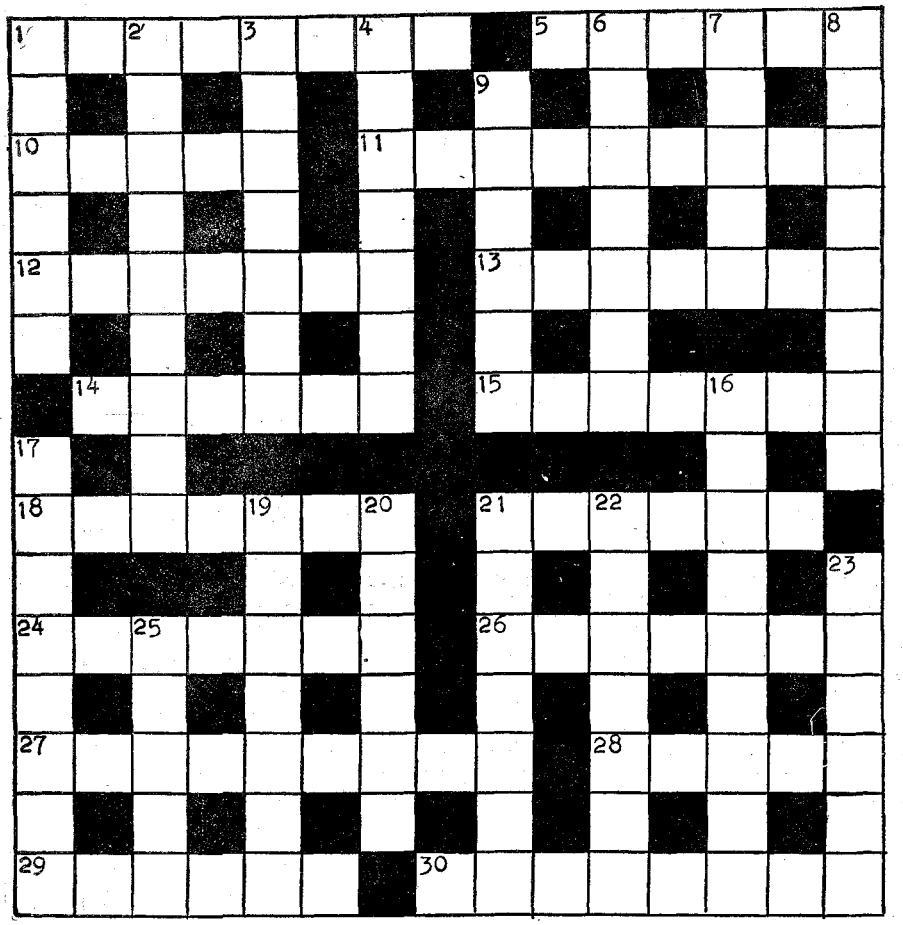
Crossword Puzzle No. 563

BY FRANK W. LEWIS



ACROSS

1 The fact that the final note is changed is paradoxical, when the meaning is considered. (8)
5 Where the rest of the stock is steady. (6)
10 Associated with conquering races from the South American mountains? (5)
11 Does getting the facts imply a leftish movement again? (9)
12 Site of the Alhambra. (7)
13 Dance verse? Armor plate window? (7)
14 American diplomat. (Sounds as though they might be bored!) (6)
15 Charon ferried over this, and almost made it! (7)
18 Rather, is inclined to found a city. (7)
21 Hats for suckers? (6)
24 Declination. (7)
26 Do roles change color with the cast? (3, 4)
27 Boat, or French equine movie star. (9)
28 Hungarian, Ostyak and Vogul. (5)
29 This salad belongs with a meal that's just thrown together. (6)
30 Most advantageously not paid for, but given. (8)

DOWN

1 See 3 down.
2 Peerless type candy bird. (9)
3, 1 and 6 down. Is it necessary to pierce the armor? *Au contraire!* (3, 4, 4, 2, 7)
4 Havelock Ellis described them as a miscellaneous set of adventurers. (7)
6 See 3 down.
7 Curtain closed at one end? (5)
8 Urge the shop to make something for the table? (8)
9 A stratagem's wrong in this city. (6)
16 and 17. Three-tiered vessel belonging to you? (3, 3, 3, 4, 4)
19 Favoring influence. (7)
20 Silver sort of lies about on the farm, usually. (6)
21 "Thou tamer of the human breast
Whose iron _____ and torturing hour
The bad affright, afflict the best!"
(Gray) (7)
22 Is the strong point suspect again? (7)
23 Some plots are, to say nothing of stolen jewels. (6)
25 Clotho, Lachesis, and Atropos. (5)

SOLUTION TO PUZZLE No. 562

ACROSS:—1 and 13 RIDERS OF THE PURPLE SAGE; 5 and 25 ESCAPE ARTIST; 9 HEADS UP; 10 SCALPEL; 11 SAND BAR; 12 ACTIONS; 15 FIRST-NIGHTERS; 21 LAPILLI; 22 OVERAGE; 23 VIOLETS; 24 EXACTED; 26 ASPHODEL.

DOWN:—1 REHASH; 2 DRAGNET; 3 RISIBLE; 4 OPPORTUNITIES; 6 SEATTLE; 7 AMPHORA; 8 ENLISTED; 10 SHARPSHOOTERS; 14 EFFLUVIA; 16 RAPPORT; 17 TILLERS; 18 EYEWASH; 19 SLANTED; 20 FEUDAL.

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Harold Clurman . . .

. . . *The Nation's* drama critic, is one of the outstanding figures in the American theatre. Educated at Columbia and the University of Paris, Clurman began his theatrical career in 1924. He served an apprenticeship as actor, stage manager, and play reader for such organizations as the Theatre Guild and for such producers as Jed Harris and George Abbott.

He co-founded the Group Theatre which was a vital force on the American stage from 1931 to 1941, and directed for it, among other plays, "Awake and Sing," "Golden Boy," "Rocket to the Moon," all by Clifford Odets, and "The Gentle People" by Irwin Shaw.

In 1945 he wrote the story of the Group Theatre and the 1930's in his book, "The Fervent Years," published by Alfred Knopf. That same year he directed Paul Lukas and Susan Hayward in the movie, "Deadline at Dawn."

In recent years he has directed many outstanding plays, among them "Member of the Wedding" by Carson McCullers; "The Autumn Garden" by Lillian Hellman; "Desire Under the Elms" by Eugene O'Neill; "The Time of the Cuckoo" by Arthur Laurents; "Ladies of the Corridor" by Dorothy Parker and "Madamoiselle Colombe" by Jean Anouilh.

He has been instrumental in the discovery, development and training of such directors and actors as Elia Kazan, Robert Lewis, Michael Gordon, Franchot Tone, Lee Cobb, Karl Malden, Marlon Brando, Maureen Stapleton and Julie Harris.

Both as a director and critic he is noted for his fresh and creative approach to the theatre. You won't want to miss his column which appears every week exclusively in *The Nation*.

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